

COUNCIL MEETING

MARCH 9, 2016

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, March 9, 2016 at 8:35 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock (*present at 2:24 p.m.*)

Honorable Gary L. Hooser (*present at 8:37 a.m.*)

Honorable Ross Kagawa (*excused at 6:07 p.m.*)

Honorable Arryl Kaneshiro

Honorable KipuKai Kuali'i

Honorable JoAnn A. Yukimura

Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Kagawa moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the agenda was then put, and carried by a vote of 5:0:2 (*Councilmembers Chock and Hooser were excused*).

MINUTES of the following meeting of the Council:

February 10, 2016 Public Hearing re: Bill No. 2612 and Bill No. 2613

Councilmember Kuali'i moved to approve the Minutes as circulated, seconded by Councilmember Kagawa.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the agenda was then put, and carried by a vote of 5:0:2 (*Councilmembers Chock and Hooser were excused*).

(*Councilmember Hooser was noted as present.*)

INTERVIEW:

LIQUOR CONTROL COMMISSION:

- Gary A. Pacheco – Term ending 12/31/2018

Council Chair Rapozo: Mr. Pacheco, also known as the “Mayor of Kīlauea.” Welcome Mr. Pacheco and thank you for being here today. You are being nominated to the Liquor Control Commission and I know you have been here before, but we will give you a few minutes to give us an overview of yourself and then we will open it up for questions from the Councilmembers.

Mr. Pacheco: Thank you very much for the privilege of coming before you. My name is Gary Pacheco. I am a lifetime member of the Kīlauea community. I am active in my community because I care about what is happening and I would like to share what knowledge I have with the Commission.

Council Chair Rapozo: Perfect, thank you. Any questions for Mr. Pacheco?

Councilmember Yukimura: Gary, you forgot one role that you play, which is the “Mayor of Kīlauea.”

Mr. Pacheco: Well I try to live up to it being that I am a lifetime resident of Kīlauea, I am concerned with what is happening in our community and our island. I tell the people, especially the newcomers, “I am as close to you as you are to your telephone,” because I like to help people. That is my nature.

Councilmember Yukimura: It is really wonderful that you are willing to add another activity and responsibility on behalf of the County and the people. Thank you very much for your willingness to be on the Liquor Control Commission.

Mr. Pacheco: Thank you.

Councilmember Yukimura: When we talk about the Liquor Control Commission, our discussions have gone to underage drinking and that kind of issue and problem. I do not know if you have any thoughts about that. Will you have some ways to address that on the Commission?

Mr. Pacheco: On my cars I have, “Do Not Serve Underage,” and I have distributed those stickers to my friends and have seen them putting it on their cars and establishments because I am totally against underage drinking. That is why I put out the stickers that I got from one of the conferences that I attended. I still have some and still distributing them.

Councilmember Yukimura: Thank you. That is an important role of the Commission to prevent that kind of behavior among of kids. Thank you.

Mr. Pacheco: Yes, definitely.

Councilmember Kagawa: Thank you, Gary, for your willingness to serve. I had one question and I know we put a lot of emphasis on the Liquor Control Commission on illegal selling of alcohol to minors. I was wondering if you would be open to looking into not only that issue, but the issue of not drinking and driving. I

do not know if there are some opportunities from the Liquor Control Commission and Liquor Department to promote some of those ideas, because one could say that there is a number of underage people that are going to drink, but how do we prevent the driving fatalities that occur from time-to-time that are caused by drinking. I think if we can try and reduce that number by education or some other idea that maybe is effective in some other states or counties, then perhaps we could pursue those as well.

Mr. Pacheco: I really like it when people that have parties say, "No alcohol will be served." If I can do anything, if I serve on the Liquor Control Commission, and was asked to speak to anybody about underage drinking and drinking and driving, I will be the first to put my hand up to volunteer to go. I think that is a very important thing; underage drinking and drinking and driving because the sad part about it is a lot of times the person that is drinking and driving, they are the ones that do not get hurt. It is the other people that get hurt or get killed and I do not think that is fair. I think we should do everything in our power to discourage underage drinking and drinking and driving.

Councilmember Kagawa: Thank you, Gary.

Mr. Pacheco: You are welcome.

Council Chair Rapozo: Anyone else? If not, thank you very much, Sir. Can we have the next item, please?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Chair, the next item would be the Consent Calendar. Chair, there has been a request to remove communications C 2016-43 and C 2016-50 from the Consent Calendar. Mr. Mickens would like to speak on the issue.

Council Chair Rapozo: C 2016-43 requires action, therefore, that item needs to come off the Consent Calendar for C 2016-50, there is a request from a constituent who would like to testify. Can I get a motion to receive Consent Calendar items C 2016-45, C 2016-46, C 2016-47, C 2016-48, C 2016-49, and C 2016-51 for the record?

Councilmember Kagawa moved to take Communications C 2016-43 and C 2016-50 off of the Consent Calendar, seconded by Councilmember Kualii, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

CONSENT CALENDAR:

C 2016-45 Communication (02/03/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Catherine A. Adams to the Police Commission – Term ending 12/31/2018.

C 2016-46 Communication (02/08/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee William F. Gibson to the Liquor Control Commission – Term ending 12/31/2018.

C 2016-47 Communication (02/23/2016) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, with regard to C 2016-43, grant application for the Kaua'i Victim of Crime Act (VOCA) Expansion Project 14-VA-3, as he is employed by the YWCA of Kaua'i as the Director of Operations.

C 2016-48 Communication (02/22/2016) from the Acting Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2016 Action Plan (HOME Investment Partnerships Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended.

C 2016-49 Communication (02/22/2016) from the Acting Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2016 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 and 100-242), As Amended.

C 2016-51 Communication (03/02/2016) from Council Chair Rapozo, providing written disclosure of a possible conflict of interest and recusal, with regard to the Salary of the Director of Liquor Control listed in C 2016-44, Salary Commission Resolution No. 2016-01, relating to salaries of certain officers and employees of the County of Kaua'i for the Fiscal Year 2016-2017, as his brother is employed by the County of Kaua'i in this capacity.

Councilmember Kagawa moved to receive C 2016-45, C 2016-46, C 2016-47, C 2016-48, C 2016-49, C 2016-51 for the record, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion?

The motion to receive C 2016-45, C 2016-46, C 2016-47, C 2016-48, C 2016-49, C 2016-51 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

COMMUNICATIONS:

C 2016-43 Communication (02/10/2016) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$210,716, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim of Crime Act (VOCA) Expansion Project 14-VA-3 for the period of July 1, 2016 through June 30, 2017: Councilmember Kagawa moved to receive C 2016-43 for the record.

Council Chair Rapozo: The communication is for approval.

Councilmember Kagawa withdrew the motion to receive C 2016-43 for the record.

Councilmember Yukimura moved to approve C 2016-43, seconded by Councilmember Kagawa.

Councilmember Kualii: Council Chair, I would like to recuse myself due to a possible conflict of interest as I am employed by the YWCA of Kaua'i.

(*Councilmember Kualii was noted as recused from C 2016-43.*)

Council Chair Rapozo: Any further discussion before I suspend the rules?

There being no objections, the rules were suspended.

JUSTIN F. KOLLAR, Prosecuting Attorney: Good morning. With me is Diane Gausepohl-White, Program Director of the Victim Witness, and Jamie Olivas, our Grant Coordinator is also here.

Council Chair Rapozo: I apologize for having to continue it from last week, but we had a very busy agenda, but I noticed on the communication there is a request for the Victim of Crime Act Expansion Project; can you explain what that means? Is this for an expansion?

Mr. Kollar: No, this is the annual recurring grant that we get every year. That is just the name of the program. Basically, it is exactly the same as it was last year with very few minor tweaks.

Council Chair Rapozo: Did you have a presentation?

Mr. Kollar: No, we are here if there are questions from the Councilmembers.

Council Chair Rapozo: Are there any questions for the Prosecutor's Office? I would like and ask that you do a real quick overview of...I see the total County match is the fifty-two thousand four hundred and twenty-nine dollars (\$52,429)?

Mr. Kollar: Correct.

Council Chair Rapozo: Can you give us a brief overview of the program and what this two hundred ten thousand seven hundred sixteen dollars (\$210,716) will cover?

Mr. Kollar: Sure. Basically, this amount...the Attorney General's or the State every year get a pot of money to distribute to the Counties. It is Federal money that comes to the State and then to the Counties. The amount that goes out to the Counties is basically determined by a formula. The Attorney General's Office let us know what that amount is and we put together a budget. The funds can be used to provide direct services to victims of crime and for associated expenses there. We use those funds and have used them every year for decades, I believe, to fund salaries for our Victim Witness Counselors, and we also subcontract with the YWCA for them to provide services to crime victims as well as programs with the Children's Justice Center, and essentially that is about it. There are Federal funds in the amount of two hundred ten thousand seven hundred sixteen dollars (\$210,716), County match in the amount of fifty-two thousand four hundred twenty-nine dollars (\$52,429), so the total project cost is two hundred sixty-three thousand one hundred forty-five dollars (\$263,145).

Council Chair Rapozo: Could you walk us through a typical case as far as the involvement of victim witness as it relates to a...and the reason is that I have read some complaints or some comments in The Garden Island newspaper. I know two (2) specifically and I do not read the paper a lot unless I am alerted that I should read something, but anyway, there were some concerns by victims at the

outcomes of cases. I am more curious as to know what involvement does Victim Witness have, how much involvement does that aspect of your system involves the victim as it relates to the case.

Mr. Kollar: The counselors can get involved at any point of the case. They can even get involved before we get a case, if we get a call from somebody who has had an involvement in crime and they are in need of services. The first point of contact, we would basically put them in touch with a Victim Witness Counselor, assign the counselor to reach out, find out what the situation is, follow-up with Kaua'i Police Department (KPD), find out what the status of the case is, and find out if there are any services that we can provide or refer them to, to help them get through the situation. They can also get involved once the case has already come to us. We have categories of cases that are automatically assigned to the counselors and we have others that counselors can be assigned upon a request to be designated deputy prosecutor who is handling the case. They are involved in providing information, supportive services to the victims and witnesses in our cases from start to finish, essentially.

Council Chair Rapozo: But not in every case?

Mr. Kollar: Not in every single case, no. Many of our cases do not involved human victims.

Council Chair Rapozo: Obviously, I am talking about the one with human victims.

Mr. Kollar: In some cases, the deputy prosecutor may communicate directly with the victim. If it is a case where there is not a lot of contact needed and in other cases where there is going to be extensive contact or services that we are going to be providing or referring them to, or a complex proceeding where they are going to need support, we do assign a Victim Witness Counselors to assist in those cases.

Council Chair Rapozo: Maybe I should have put in a request, but what percentage of cases that involved victims are actually handled by Victim Witness?

Mr. Kollar: I could not give you a percentage off of the top of my head, but I could tell you that it is a significant percentage. It is going to be the majority of those cases that are going to involve a Victim Witness Counselor at some level. In some cases, the involvement maybe very minimal and in other cases it may be very extensive, but again, it depends on the case. If there are concerns, I would be happy to look into those.

Council Chair Rapozo: I guess the concern I have is that this is a significant amount of money and yes, it is Federal money, but when I hear from victims that they have not been contacted by the Victim Witness or they have not been called back by Victim Witness, that raises some concern obviously.

Mr. Kollar: Sure and that would raise a concern with me as well. I would ask that you refer those to me so I can follow-up.

Council Chair Rapozo: I am interested in seeing the statistics and again, I apologize for not...typically you would see it. Any other questions for the Prosecuting Attorney?

Councilmember Yukimura: What are the number of cases you have annually?

Mr. Kollar: The number of cases we have annually is in the thousands and it depends on the...the District Court is the high volume court, of course. Circuit Courts are the lower volume courts and felony cases are upstairs, probably about six hundred to seven hundred (600-700) cases a year in the Circuit Court and then in the District Court, in the thousands.

Councilmember Yukimura: I think the head of your Victim Witness has the statistics.

Mr. Kollar: The total number of victims that received services under the VOCA grant in the last quarter of the reporting period was two hundred twenty-two (222).

Councilmember Yukimura: Okay. Times four (4) is about eight hundred (800)?

DIANA GAUSEPOHL-WHITE, Victim Witness Program Director: Those are statistics from the two (2) fully funded VOCA Counselors and the match. There is also another Counselor and myself, that is just a reflection of those two and a half (2.5).

Councilmember Yukimura: The two (2) that are covered by this grant.

Ms. Gausepohl-White: Right.

Councilmember Yukimura: Okay. So there is a distinction between those covered by this grant and the victims that are assisted by your unit.

Ms. Gausepohl-White: Right. These are only victims, not witnesses, so VOCA does not recognize witnesses.

Councilmember Yukimura: I see. Do you have a breakdown of how many victims you generally cover in a year and how many witnesses you cover?

Ms. Gausepohl-White: I do in my State's statistics, but I did not bring that today. I can get that information to you.

Councilmember Yukimura: Okay. The goal of this particular grant—I do not see any real measurable and of course we do not want the numbers to go up due to crime going up, but if there is a set number of people who are victimized, if your outreach reaches an ever increasing number, I guess that would be a good goal to have. Although as I think the Prosecutor has pointed out, the kind of help you give varies, so some may not actually need it. Do you feel like the program in general is reaching all the victims that you would like to reach in terms of your overall mission?

Ms. Gausepohl-White: We get assigned automatically all the felony crimes against persons. I think we are doing a good job in that area. In order to reach the property crime victims, yes, we would need another counselor.

Councilmember Yukimura: And you also service visitors who are victims as well?

Ms. Gausepohl-White: Yes.

Councilmember Yukimura: Do you know the number that are serviced?

Ms. Gausepohl-White: No.

Councilmember Yukimura: Do you have that statistic that can be provided?

Ms. Gausepohl-White: We have the capability of tracking that information, but currently I am unaware that our case management system is right now.

Mr. Kollar: You are referring to visitor victims specifically?

Councilmember Yukimura: Yes.

Mr. Kollar: No, that is not something that is tracked by the granting authorities and so we do not track it in-house. If we wanted to start doing that, we could do that, we could create that functionality within our system, but it is not presently something that is tracked separately.

Councilmember Yukimura: Okay. Apparently you work with the Visitor Aloha Society.

Ms. Gausepohl-White: Yes, Jennifer Arashiro, one of our Victim Witness Counselor's sits on the board.

Councilmember Yukimura: And that is a nonprofit organization whose mission it is to assist victims of...

Ms. Gausepohl-White: Who are visitors, yes.

Councilmember Yukimura: It says, "Visitor Aloha," so it must be in a lot of different ways, but it includes assisting visitors who have been victims.

Ms. Gausepohl-White: Yes.

Councilmember Yukimura: Or visitors who have been witnesses.

Ms. Gausepohl-White: I would not say that we would do outreach on a witness unless we were informed that they were traumatized in some way and needed services, but we are going to provide whatever is needed to whomever is identified to us.

Councilmember Yukimura: Okay. Do you have any measurables that you use?

Ms. Gausepohl-White: We use a satisfaction questionnaire every six (6) months. I receive those and sometimes there are some very good comments and issues that we were not aware of that we looked at implementing new policies around something that comes from the victims perspective – it is like, “Oh, yes, that makes a lot of sense,” we can do that. I would follow-up with that particular victim if he or she were identified. They are anonymous, so unless somebody puts their name, I do not know who it is coming from. As far as policy concern, I really do not need to know who that person is, but it is a good suggestion and we would implement.

Mr. Kollar: The Department of the Attorney General does extensive grant monitoring on the grants, so they come and do onsite and they also review from Honolulu. They come and review everything and they look for what they want to look for, and if they have questions or concerns, they will follow-up with us. We meet their expectations.

Councilmember Yukimura: These satisfaction questionnaires are given to everyone that you served?

Ms. Gausepohl-White: Everyone who could answer the questions, yes. These would be victims who have asked to be kept informed of the case status, assistance with obtaining restitution verification, assistance with preparing a victim impact statement, accompanying that person to court, those basic types of services, and notifying the post-conviction status. Therefore the answer is no, we do not provide them to everyone because there are some victims where our contact is limited and they really do not want to hear from us until the end of the case and there are others that want to know each and every court date and what is going on and sometimes want to attend every court date. They go out to those that could answer yes to most of those.

Councilmember Yukimura: Where there has been substantial interaction with your office?

Ms. Gausepohl-White: Right.

Councilmember Yukimura: Do you do any tally of those surveys?

Ms. Gausepohl-White: Of the services?

Councilmember Yukimura: Of the surveys.

Ms. Gausepohl-White: I keep the list that goes out and then I keep the completed ones that are returned.

Councilmember Yukimura: But no tally of...I do not know what that looks like; “very satisfied,” “satisfied,” and “not satisfied.”

Ms. Gausepohl-White: Yes, they mark that. If somebody is indicating that the services were unhelpful, I would definitely be interested in talking with that person to see where we went wrong, what we could have done better, if there was a miscommunication, or whatever the issue was. If they are unhappy

because of the outcome of the case, that is not something that Victim Witness has any control over or influence.

Councilmember Yukimura: Right.

Ms. Gausepohl-White: The Prosecution, the sentencing—sometimes victims are satisfied with the advocate, but not so happy about the actual sentencing or the outcome of going to trial and the person was acquitted. We are there to support them, but that is not something that we have anything to do with.

Councilmember Yukimura: You say that the surveys are anonymous. If it is feedback that is substantive and constructive, how do you get back to them?

Ms. Gausepohl-White: Unless they put their name on it, I cannot.

Councilmember Yukimura: Do you invite them to put their name on it, if they wish to?

Ms. Gausepohl-White: Yes.

Councilmember Yukimura: Okay. Alright, thank you very much.

Council Chair Rapozo: When is the deadline for the application?

Mr. Kollar: March 14th.

Councilmember Yukimura: In a few days.

Council Chair Rapozo: How difficult would it be to get those numbers?

Ms. Gausepohl-White: I have the statistics right here for the last quarter if you would like to see it.

Council Chair Rapozo: As far as the information that Councilmember Yukimura is asking.

Ms. Gausepohl-White: The State statistical report, I can get that to you after I return to the Office.

Council Chair Rapozo: Any other questions? What I am interested in seeing, and I am hoping that you can provide this and we can move this to the end of the agenda, but what I am interested in seeing is how many cases actually go to Victim Witness and how many cases do not? I am talking about cases that have human victims. I think like Councilmember Yukimura was questioning, the goals that are stated on the application are...that is not goals, that is almost like a description of what the counselors do, but as far as goals, percentages, and satisfaction rating would be important as well.

Mr. Kollar: We work within the guidelines of what the Attorney General gives us and we submit essentially the same thing every year. These are formula forms that come to the Counties. As far as us providing to them performance targets in the funding applications, that is not something that they are really interested in.

Council Chair Rapozo: I understand that is their requirement, but you need approval from the Council as well. I think this Council traditionally has always requested that.

Mr. Kollar: Okay, well I am pretty sure the application we put in is the same application every year.

Council Chair Rapozo: Yes, but that is not to the Council. This application is not for the Council. This application is for your grant.

Mr. Kollar: No, it is the same one we send to you folks every year.

Council Chair Rapozo: Right.

Mr. Kollar: But if there are things being requested this year...

Council Chair Rapozo: As you can imagine this year, every department is going to be scrutinized in a different way—I think that goes without saying. The fact that it is federal money is no different. This Council has to play a much better role in assessing the programs that we do. We have no choice anymore.

Mr. Kollar: We do not come in here and say, “It is free money, just give it to us,” kind of thing. We understand you are looking for indicators, but in this situation it would have been helpful, maybe a couple of weeks ago, to get that request so that we could have digested it and put something together because now we are up against the gun on it.

Council Chair Rapozo: I apologize for that. I had intended to get this to the Committee last week and we just could not get it done. I understand the deadline, we are very cognizant of that.

Mr. Kollar: If you make a request for statistics and information, we will absolutely, positively follow that up and get it to you folks. We would ask that you folks take a vote on it today if you can, just so that we can get this moving with the idea of...if you have something you find that you want us to follow-up further on, we can absolutely commit to doing that.

Council Chair Rapozo: Any other questions? If not, thank you. Anyone in the audience wishing to testify on this matter?

SHAYLENE ISERI: Good morning. My name is Shaylene Iseri. The question I had is...I sat here probably almost four (4) years ago, and as you mentioned Council Chair, it is totally scrutinized on every budget that came up. I went to your front office and asked for the grant application, which in every other instance my office was present, there was a grant application. I learned that there was for the last several years, no grant application even provided to the Council and yet I hear Mr. Kollar testify today that this is one that is recurring every year. This is a VOCA expansion. I do not see any expansion of what. Just in the title itself, and this is to Councilmember Yukimura who absolutely scrutinized every single budget that I came up, maybe not other departments, but at least mine. As far as measurables, there are absolutely zero measurables. There is absolutely no

satisfaction except for the word of the people that were present here trying to have your vote on a project like this that entails over two hundred thousand dollars (\$200,000). I also look at the consultants. What I see here is that they provide direct victim services and not a single member from this Council asked what direct services are. I would assume that you know what is the difference between "direct" versus "indirect services" because I go to court almost every day and I rarely, if ever, see any Victim Witness person present assisting victims at court, which is the most traumatic experience for any victim, which I required of my office. I do not see the direct victim services because they are not in court. I also have some issues with respect to the value of the services that are being provided. Here you will see that they will enhance certain programs, they will be available, they will facilitate—these are general and vague concepts that have absolutely no substance behind it and yet it is asking for two hundred thousand dollars (\$200,000). As you had mentioned Council Chair, I hope there is a lot more scrutiny. These grant applications, if they are due in the next week, then they should have been provided two (2) to three (3) months in advance, if you talking about a project that is worth two hundred thousand dollars (\$200,000). It is not what we see here where you are forced to approve a grant and I am asking that you approve this grant because I believe that the victims should get services, but I hope from moving forward that all grant applications are provided at least two (2) to three (3) months in advance so there is a lot more opportunity to scrutinize these issues because they are very vague.

Council Chair Rapozo: Thank you very much. Anyone else wishing to testify? If not, further discussion?

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: Are we planning to move this to the end of the agenda?

Council Chair Rapozo: That is my plan. I think ultimately we do want to vote on it today.

Councilmember Yukimura: Yes, I agree with both. I do not have any discussion at this time.

Council Chair Rapozo: Anything you want to see by the end of the day so we can let the Prosecutor's Office know? I think your questions on the goals are important. I definitely believe the statistics and the results are important as well. As I stated earlier, there have been some comments online from victims themselves that were concerned. I just want to make sure that if we are going to have a Victim Witness program, that all the victims get services and not some. I think if that is an issue or a staffing issue, then that needs to be addressed in the budget, but I just want to make sure that we are providing the victims with the necessary services. They are not all going to be satisfied, but my real interest is their involvement as the process goes through—how much involvement does the victim actually have? Are there any surprises at court when verdicts are called or punishments have been issued? That is kind of what I am asking for.

Councilmember Yukimura: I would like to follow-up on Ms. Iseri's point about this being an expansion project. I was not really aware of that and maybe an explanation. Is this an expansion project that has been expanding for ten (10) years so that it is just a recurring grant or is it a new program? I would like to know that.

Council Chair Rapozo: I was reminded by Staff that I failed to ask the testifier if she wanted to speak a second time. With that, I will suspend the rules again.

There being no objections, the rules were suspended.

Ms. Iseri: Thank you. The other question I had, if you look at subsection (b) with respect to consultants, for the YWCA, Kaua'i Sexual Assault Treatment Program and Kaua'i Family Violence Shelter and it appears that the Notice to Proceed is on June 30, 2017, when the expiration of the grant is June 30, 2017. I have some serious concerns, number one, with respect to why if this grant is beginning on July 1, 2016 why the notice to proceed is not going out until the expiration of the period. Number two is what do we need the YWCA to be consulted on if they provide, according to their summary, direct victim services and all other types of services that are not provided by anybody else. If you look at the second paragraph of the problem in "a," it says, "It is the only agency on the island that provides a variety of victim assistant services to all types of crimes." There are other programs and I believe it is the YWCA that has a sexual assault and family violence center that are designed for a specific type of purpose. Why do we need all of these personnel if we are going out to consult with other agencies and for what services? What kind of consultation services are we getting? If these were the types of services that were provided in the past, again, what kind of services are we getting for our money, number one? What kind of statistics does the YWCA have with respect to this amount of the victims that they have serviced that they were independent of the victims that were serviced by the Prosecutor's Office? And that there is not any type of overlap or cost saving measures here, but to just say that we are going to give the YWCA fifty thousand dollars (\$50,000), which is a twenty-five percent (25%) or more of this grant or less, but approximately twenty-five percent (25%), but we are talking about fifty thousand dollars (\$50,000) with absolutely no explanation as to how that money is servicing victims. I see a lot of this actually when I have been looking at the grants that were provided by the Prosecutor's Office and yet there is absolutely almost no scrutiny by this Council with respect to the thousands and in fact millions of dollars that go to that office; especially again, looking at the complaints that I have seen with respect to the murder cases, not guilty verdicts on the murder cases, and the Galas' case that has not come forth after three (3) years that it has been pending. Thank you.

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Any further discussion?

Councilmember Kagawa: Are we moving it to the end?

Council Chair Rapozo: Yes, that would be my suggestion.

Councilmember Kagawa: Do we need a motion?

Council Chair Rapozo: The motion has made to approve, but we are just going to move it to the end.

Councilmember Hooser: Will the Prosecutor's Office be back? Are they aware that we are moving it to the end?

Council Chair Rapozo: Yes, they are aware. We will try to do it at around 4:00 p.m. I am assuming that will be enough time for them to put...I think they heard the concerns.

Councilmember Kagawa: My concern is that maybe they would be ready before 4:30 p.m. I would say let us have them ready after lunch if possible and then we can put them on-call.

Councilmember Hooser: I have some conflicts and have to depart at 4:00 p.m., if possible.

Council Chair Rapozo: We control the time we take on these items. If we want to move this along, we can, but at the end of the day we are going to take the necessary time we have to, to get through all the items today. I do not want to keep deferring. We have been deferring and deferring and I want to get these issues out. When the Prosecutor's Office is ready, they can let us know and we can accommodate that.

Councilmember Kagawa: So we will have them ready right after lunch.

Council Chair Rapozo: Whenever they are ready. I am assuming that they can go back to the Office and generate some responses or concerns and when they are ready, they can call ahead, and we can put them in. With that, we will move that to a later time. Can we have the next item?

C 2016-50 Communication (02/29/2016) from Councilmember Hooser, transmitting for Council consideration, a Resolution Urging Governor David Y. Ige, The Kaua'i Legislative Delegation, And The State Department Of Transportation To Acknowledge The Urgency And Importance Of Addressing The Traffic Congestion Within The Kapa'a-Wailua Traffic Corridor: Councilmember Kaneshiro moved to receive C 2016-50 for the record, seconded by Councilmember Kagawa.

Council Chair Rapozo: The Resolution will be up later today, so for those of you that are going to be here later today, you can speak then, but obviously you are entitled to speak at this time.

There being no objections, the rules were suspended to take public testimony.

GLENN MICKENS: There is a ball game today, Council Chair, and I am the official scorer; therefore, I cannot be here this afternoon. I applaud Councilmember Hooser for his Resolution urging Governor Ige and the State Department of Transportation to acknowledge the urgency and importance of addressing the traffic congestion within the Kapa'a-Wailua corridor. There are many traffic congested areas on Kaua'i, but none are as consistently serious as this corridor. My concern is that the SDOT will do its usual salvation problem by sending some high priced consultant to Kaua'i to tell us what we have already heard before and nothing gets accomplished. Or we hear some mythical or unaffordable plan to cure these traffic problems, which is just another exercise in futility.

When I say "mythical," I mean those who suggest that more buses, shuttles, bikes and walking are the answers. Realistically and factually, none of these "other means of travel" will alleviate traffic. These suggested alternatives are predicated on one faulty proposition – that the driving public on Kaua'i, not on some other remote utopia, will abandon their vehicles for any of these other means of travel. The

Administration's own numbers predict that eighty percent (80%) of our driving public will still be using their vehicles twenty (20) years from now and that is probably an unjustifiable low guesstimate and yet these planners and dreamers cannot show us one municipality like Kaua'i, where any of these alternate means of travel are working. The only pilot programs we tried were complete failures, so why push them for further failure at a huge cost to taxpayers? I predict the seven (7) or eight billion dollars (\$8,000,000), twenty (20) mile high speed rail on O'ahu will also be a failure as a mass of the people will not abandon their vehicles. If proof is needed, just look at cities like Los Angeles, Portland, and Toronto to see what happened – more tax money to build and subsidize failed projects.

Only wider and alternate roads will help solve our traffic problems. The Kapa'a bypass is one successful example and the cane haul roads are others that will help. The contra-flow works as an example of one more lane helping move our vehicles. So Councilmember Hooser, again, I thank you for getting the Governor involved, but hopefully you will make sure that the Resolution is most explicit in not wanting their "solutions," to be the usual failures offered in the past. If any member of this Council or in our Administration can show me where my analogy and prospective solutions are wrong, I would certainly appreciate knowing what they are. It is very frustrating to continually offer suggestions to problems and not have someone at least show the courtesy of answering. I do not know how many of you saw these things passed out about a year ago, the Kapa'a transfer solutions, the district funding, the way the fund these particular things...

Council Chair Rapozo:

Glenn, your time is up.

Mr. Mickens:

Thank you.

MATTHEW BERNABE: Good morning. Matt Bernabe for the record. I do think we should reach out to the Governor; however, I was at the State meeting about mid-last year and they addressed these issues and they do have plans. I did talk to the guy from the State who you would be the guy that you would be connected with, the DOT. He is from Tennessee, a cool and very smart guy. There are a few plans that the State is already talking about doing, starting from Keālia Bridge all the way to Wailua Bridge. The Keālia Bridge is a federal project because it is tied into that bridge, coming down the hill from the school. Regarding the traffic in the Kapa'a-Wailua corridor, several things can be done without the State—a massive reeducation to drivers, for one. We have a huge population of drivers that go out of their way to let people in or multiple people in versus one, one, one, one...that keeps the traffic flowing. I witnessed this at all times. Then there are few areas that we could change signs, and I have pointed them out, for one, the yield coming back by the Wailua roundabout, coming out of the dump and the low-income, there should be a stop sign. If we put a speedbump on the roundabout, just on the entrance and I will tell you why, because everywhere except the north bypass, which is ironic because it is facing south, has an enter and entrance point on that roundabout except that, it is only one. Therefore, it is closer; the people coming into that roundabout are so fast that that particular backup which is one of the worst that I as a taxpayer, homeowner, and registered vehicle owner deal with – that is the longest one. When I pick up my kids from school and I take that north bypass, I am on it for twenty (20) minutes and I am watching folks come in from the dump, the hockey rink, and from ABC store, and they enter so fast and we are stuck on that section right there. A little speedbump and a stop sign and everybody is flowing. That is one aspect of the problem. The other problem back by the other end by Kintaro Japanese Restaurant is you have folks backing up traffic in Kapa'a town, specifically to let people enter the left-hand turn

going north on the double lane bypass right there by Kintaro Japanese Restaurant and they do not know how to drive. They are letting eight (8), nine (9), ten (10) folks...I literally flash my lights if I am the fifth or sixth guy trying to make the left. I flash my lights and literally debate with guys, "you go, you are holding up traffic." I am looking at the line of traffic and there is nobody next to me because now there are six (6) car lengths between the car letting people in and the folks jumping and merging...I see the light, I will come back.

Council Chair Rapozo:

Anyone else wishing to testify?

JOE ROSA: Good morning. For the record, Joe Rosa. The DOT is playing the same song every time they come here when they talk about congestion, problems, and everything. Līhu'e, Kapa'a, Westside – same song. What happened here where we lag in this highway system is when the State took the planning away from each island. When Kaua'i was doing their own planning for highway plans and whatever, it was a smooth operation. We kept up with the times. I do not see why they do not let each other take care of their own problems so they know what is going on. I can tell you examples of their work. When there is some doubt in the office, the engineers will send their survey crews out, they check on it, and they come back and you get answers right away. Honolulu does not know what is going on around here. Do you know what is going on, on O'ahu? No. Does O'ahu know what is going on, on Kaua'i? No. How can you make progress? In 1950, I always emphasize the same thing you want to hear from me because I worked on Kapule Highway and I worked on this *mauka* arterial. You make plans and you do not execute because it should be priorities when that was working already. The County is the same policy – priorities, priorities, but not a reality. Take this job here at Kukui Grove—it is all a waste of money. It is a speed track. People just racing out, passing one another to get to the bottleneck before the end of the stretch over there. It is ridiculous. If they put the *mauka* arterial, it is just a short distance from the crossing there. Everybody thinks it is a couple of miles away from Puhi over here, but no way. If you do not know the situation, go and find out and look at it. Even the Planning Commission here are asking one another, "How far would be the *mauka* arterial," when they were talking about the dump at Kālepa. Nobody knows. Go out and look. Ask people who know about it. I can testify and tell you that from Kūhiō to 'Ehiku Street, by AT&T, is just about a mile to the *mauka* arterial. Those are the kinds of things that people are not aware of and they make it a problem. Look at the tax money they were announcing the other day on the radio, the gas tax, the vehicle weight tax – where is all that money that the State has? It is not being used. Kaua'i lost a lot of funding to O'ahu that could have been put on this highway system here and we would not have all these bottlenecks today. Sixty-five (65) years ago, it was on the board already. We have hard copies that people could see...

Council Chair Rapozo:

Joe that is your time.

Mr. Rosa:
it would be.

In reality of what it would look like and where

Council Chair Rapozo:

Joe, I need to stop you.

Mr. Rosa:

But that is the kind of thing, like as I say.

Council Chair Rapozo:

Joe, I have to stop you.

Mr. Rosa:

Yes.

Council Chair Rapozo: You can come back. Anyone else wishing to testify? Remember this Resolution is coming up and this Resolution is to urge the State to do something. Anyone else wishing to testify?

Councilmember Kagawa: Council Chair, I know that we did this for Glenn, but I think in hindsight, I think we should have just taken the Resolution out of order because I do not think it is fair if it comes up again, people will have twelve (12) minutes to speak.

Council Chair Rapozo: Yes, I agree.

Councilmember Kagawa: This was for KIF baseball and we were going to take Glenn and it is ending up where everybody is going six (6) minutes, and then we are going to have the Resolution again, and have six (6) minutes again. To me, it is redundant.

Council Chair Rapozo: We are going to see how the day goes because if we are moving slowly...the Sunshine Law requires that we allow the public to testify on the item and if you testify in the morning that meets that requirement per the Sunshine Law. I do not want to cut off debate, but I also want to be sure that our meetings are efficient.

BRUCE HART: The traffic problem everybody knows about, so no more of that...it is a problem and we know it. What about solutions? Well, this is the solution right here. This is not new. It is going to take a big change in how we look at how we get revenue in order to be able to do the things that we need to do. After looking at this presentation that was made several years ago, I think it is entirely unfair of the State how much of the Transient Accommodation Tax (TAT) they are taking. Then I want to say that the bottleneck and the gridlock is Kūhiō Highway. They take the money and then they do not fix their road. Kūhiō Highway – I am not against the General Excise Tax (GET) altogether, but the GET is not going to fix the gridlock. Again, it is Kūhiō Highway. I want to get this across to the people of this island. It is Kūhiō Highway – that is State. That is where the bottleneck is. Even if we had all the money, I do not know because I am not an Engineer, but I do not know...what do we do, plow Kapa'a under to widen the road? We are going to have to think along the lines of what occurred twenty-five (25), thirty (30) years ago when they saw this coming. We are going to have to have an entirely new alternate route: north and south. That is going to help. People think it is ten (10) years away, but the truth is that if we started it and it was going from Līhu'e-north, for every mile that it entered into a populous area, there could be feeder roads that would go to it and those feeder roads could then go south to Līhu'e and at the end of the day come back north at least as far as it was finished. This is going to cost hundreds of millions of dollars. That is the reality. Even if we had the money to fix Kūhiō Highway, we are not going to be able to do it. Alright, thank you.

Council Chair Rapozo: Thank you, Bruce. Anyone else wishing to testify? If not, anyone wanting to testify a second time?

Mr. Mickens: Very briefly. I just want to make sure you folks see that these problems were put together here and this is probably a fifty (50) to sixty (60) page thing. The Department of Highways went over these things. They were passed out, I think it was at a Kapa'a Neighborhood Center...they gave solutions and everything else, but we are talking about a year ago and nothing has happened.

That is why I implore Councilmember Hooser when he has his resolution to make sure that we get something definitive. When somebody comes over here to say, "Do this or do that," we either pursue it or do not kiss the money off, as Bruce was saying, the biggest problem is the State and what they have created. We cannot turn the clock back, it has happened, but we have to proceed forward. Something has to be done because that corridor daily gets worst and worst, backing up. I appreciate what you are doing Councilmember Hooser. You are trying to move this thing forward. Again, if you look at these things that were passed out, you will see that they gave a supposedly solution, but nothing gets done and they just stop. Thank you.

Council Chair Rapozo:

Thank you. Anyone else?

ANNE PUNOHU:

Aloha, Anne Punohu. I just have a thirty (30) second comment. Is there a breakdown of appropriation of this funding to see where exactly it will be spent and on what projects and timeframe? That is the question. I do not even have a comment. If that could be provided later on when we go to the Resolution, that would be good.

Council Chair Rapozo:

This is not a funding resolution. This is just a resolution urging the State to move forward with some congestion resolution, so there is no funding, this is just a resolution.

Mr. Bernabe:

Where I was leaving off was there is a few things that I see as the pattern to that holistic problem with where we are speaking of. One of the things that occurs is the section by the bypass going back to Safeway gets clogged up, which then forces people to shoot behind Longs, race down to the marketplace either take a left turn there and cut through the marketplace and come out by Kintaros Japanese Restaurant and take a left turn. Now when it gets really busy, that is what backs up the bypass people. Remember I told you that people are letting people in on the bypass at an exponential rate. Instead of one and one and one, they stop and let in anywhere between one (1) and nine (9) people. I have counted ten (10) cars before. That also backs up because we have people coming in and make left-hand turns at those two (2) points that I mentioned, so this is really just a big problem. You living in Houselots might also recognize that when we take a turn to go Lihue from Houselots, that is the fastest section for me anytime of the day. Coming from Safeway home, that is the long part. Sometimes on the bypass coming home from the park, that is also the bad part. The problem is what I just pointed out, right? I pointed out some problems over by the roundabout. I pointed out some problems over at the other end of that bypass. These are something in our control. Relatively, not that much money. Put a sign that says, "Do Not Impede Traffic Flow." Put a sign to the folks coming from Kapa'a town and letting people turn left into the bypass. Put a sign there that they can see, "Do Not Impede The Traffic Flow," which means "move." Another thing that the State told me at the meeting, which he said was at the Neighborhood Center, but it was not; it was at the library. The State also confirmed what I have noticed. The people move too slow from a red light to a green light. This came out of the man from the State worker's mouth. Not to mention, when we are doing zero to five mile per hour (5 MPH) gridlock, we as a County and as our radio station, Ron Wiley, I have heard him multiple times say, "Keep a distance. We are on an island, what is the hurry?" That space reduces the amount of traffic that can get through a light, sign, or intersection. That is directly correlated to the traffic problem. That is not me. That is the State man. I was at that meeting. These are things in our control; reeducation and some signs to enforce that education. Maybe some penalties going five miles per hour (5 MPH) in a forty miles per hour (40 MPH) zone.

Council Chair Rapozo:

Thank you. Anyone else?

Mr. Rosa: As I was saying previously, we talked about widening Kūhiō in the Wailua corridor over there, but you do not figure that what is happening here out in this Puhi stretch...I know Councilmember Yukimura is concerned, saying that it costed us more money than the bike path, but the reason she cannot see is why the cost is up high. It is because when you have to work and provide detours for the traffic coming into Līhu'e and Kapa'a now, that is cost. Instead of just doing something and you go forward progress that you do not have to come back, tear it up, and do it all over again – that is cost elements. I have worked with jobs where they had to deal with the public, that cost went high, and even the contractors tell you that they have to bid higher because there are liability. People using the detour, they puncture a tire, they say, "Something on the road punctured my tire." I had to make reports so that they could pay those people for those damages. All that is a cost item in this "just widening." If you make a new alternate route, you get a cost just on that job; not providing detours for the public. You folks have to think about it. When you are dealing with the public, the liability cost drives the project to a higher cost. Those are the kinds of things I say when the State is talking about widening. This Puhi stretch here is a good example. Why did it cost a big amount of money that Councilmember Yukimura says that that costs more than the bike path thing. Sure, because all of this had to be taken care of with the public. There is no other alternate routes coming in to Līhu'e-Kapa'a. The *mauka* road that was planned sixty-five (65) years ago did not come a reality because of politics and the Līhu'e Plantation. When they made the Kapa'a Town realignment in the '60s, the Kapa'a businessmen opposed a bypass alternate route in the back of the town. They said, "We do not want Kapa'a Town be a ghost town," but they had grid roads that would come and connect the back road to the business area. Do your business, take a grid side road, and go on to your destination. You do not have to go completely through the town because they could not widen anymore like what Mr. Bernabe said. There is no room. You need new alternate routes.

Council Chair Rapozo:

Okay, Joe.

Mr. Rosa:
the Fire Station...

...the new ballpark area and come out where

Council Chair Rapozo:

Joe, thank you.

Mr. Rosa:
alternate route.

Think about it. The State has to make a new

Council Chair Rapozo:

Thank you.

Mr. Hart: I want to point out something to you folks because I am really for this Resolution. I am speaking to the State, but I want you folks to know. In today's The Garden Island, "Moratorium On Tourism Accommodation Makes Sense," and just a couple weeks ago, Jessica Alice had this community advisory committee. They were talking about and this is a quote, "Limit the growth of tourism to let the island's infrastructure catch up." This is how serious. Are we actually talking that we are going to limit the growth of tourism? This is how in my mind this works out. This is tourism, the engine that is feeding this island. This is our major industry and this is infrastructure. We slow tourism and infrastructure slows because this is feeding infrastructure because infrastructure

cost money. So we slow tourism and infrastructure slows and it is never going to catch up. We need more revenue and revenue comes from the major industry, tourism. I am wondering if the State realizes that they are going to kill the "goose that lays the golden egg" and they are getting the revenue from tourism. If it gets bad enough and tourism goes down and then the revenue goes down then it is going to affect the State, too. I think this is a really serious issue. The traffic is not just affecting people on their way to and from work and shopping and everything; it is affecting the whole structure of the island. Thank you.

DEBORAH NANTAIS: My name is Deborah Nantais. I happen to actually own in the Wailua-Kapa'a corridor and for some of you that do know they have already started Coconut Beach development which means, for those of you that do not know, the traffic between Coconut Marketplace and to and from Wailua is going to be double what it is now because these are large trucks, big vehicles, and three (3) years worth of development. That is a merging situation. We can say all we want about urging people to do certain things, but I think what we really need to look at is the reality. We already see an increase and very heavy truck traffic from Līhu'e to Wailua to get this twenty (20) acre Coconut Beach development going. This is currently happening. It is not a project in the sky. They are putting up the plastic as we speak. I think that it is not just what do we do, but maybe if we can get some signage or get something going. This is going to exacerbate everything and has started this week. I would urge the Council and all the people who are concerned about this corridor to see what we can do about doing some kind of mitigation. I have no sway over Coconut Beach development, but they certainly have the right to develop because that is a resort and they have paid their taxes on it. I think we need to think about what it is we can do to alleviate that bottleneck, which is going to occur from 7:00 a.m. to probably 5:00 p.m. or 6:00 p.m. Thank you for your time.

Council Chair Rapozo: Thank you. Anyone else?

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: The motion on the floor is to receive.

Councilmember Yukimura: I want to say that the Kapa'a-Wailua bypass that was suggested, the State DOT was working on it for thirty (30) to forty (40) years. They spent millions of dollars in plans and Environmental Impact Statement's (EISs). They abandoned it two (2) years ago because they finally realized there is not enough money to build it. They are now looking at short bypasses and that is one of the things that the short-term solution that somebody was waving, the report, is trying to address. The fourth lane that is mentioned in the Resolution has been funded; is on the Statewide Transportation Improvement Program (STIP), the list of projects that are scheduled for development. I understand there are some hang up with wildlife protection, which is an issue in that corridor, but I expect it to happen in the next year or so. I think it will mitigate traffic immensely for a short period of time because that is what happens. Even the two (2) lanes to four (4) lanes that happened between Līhu'e and the Kaua'i Community College (KCC) is starting to queue up again and when the four (4) lanes goes into a two lane road. The other piece to this is mode shift, which is shifting people who are willing to shift for bicycling and walking on short trips. You can imagine in the Kapa'a-Wailua area that really safe walkways and bikeways could make people use that instead and also bus shuttles, because our Multimodal Land Transportation Plan shows that if we implement it, we will shift the single occupancy vehicles will...instead of being ninety percent (90%) of all trips

today, can become eighty percent (80%). That is small, except that ten percent (10%) of the total can make a huge difference if you look at what happens when we have peak tourism during Christmas time. That is a matter of about ten percent (10%) of the traffic. Or school traffic. When you do not have school traffic that ten percent (10%) can really make a difference. We also have to not give zoning...we have to coordinate our land use and transportation plans. Our problem is we have given out a lot of zoning entitlements without making them pay for the impacts they will have on our transportation system. Until we do that, we are going to forever be experiencing traffic congestion.

Councilmember Kagawa: I am going to be supporting the Resolution when it comes up obviously, but there is also...the Resolution fails to cover the west side traffic. I have experienced that west side traffic so bad that I had to move from Waimea to Līhu'e about twenty (20) years ago. That traffic starts in 'Oma'o and crawls all the way to Puhi. When you are talking about significant traffic distance, the Westside traffic is far more severe. But as far as Kapa'a crawl, that is true. During the peak hours, every day it is a crawl. It is unacceptable, but what you need to know is that the State has some big plans to tax you on to solve some of their budget problems to try and address some of these things like easing traffic congestion. What they are proposing right now an eighty-three dollar (\$83) per vehicle increase in your car registration fees, your vehicle tax, and your fuel tax. The fuel tax will be a three cent (\$0.03) increase. There are big time changes coming if the State should pass what they have now before them and it is in the Senate right now. Again, there is a lot of issues out there. For me it is, when is the State going to tackle this problem? We have had congestion for many years on the west side, thirty (30) plus, we had that same problem and where do they put all of their money? They widen the lanes right in front of Kukui Grove. They widen Nāwiliwili by putting cement instead of asphalt. For the east side, what did they do? They put plenty money into widening Ahukini and putting cement instead of asphalt. They seem to put a lot of their money into the Līhu'e area only and they fail to ease the congestion. I think until you have some leadership in the State DOT that actually addresses traffic congestion, we are never going to see our tax money spent the right way and see the right results come out. It is just a continuously long history of bad, poor decisions where we are fixing and adding bike lanes and basically we are redoing what is fine. We are not fixing the problem, and now they want to increase your vehicle weight taxes and everything more to do the same type of thing or are they going to actually address congestion? That is my question. That is my testimony to the legislators which was if they are going to increase taxes and registration fees, make sure it is going to go to solve the problem. It is going to try and correct some of the inefficiencies that have happened over the years. You fix your current operations before you expand and I do not think they are efficient right now. I do not think they deserve to increase the vehicle taxes. Again, I will be supporting. I think it is a great idea. I think we should have a follow-up resolution. I will be proposing that to add the west side traffic. We have talked about this numerous times. Ed Sniffen, the Deputy Director of Transportation, was here before us, probably about nine (9) months ago and he told us about adding four (4) lanes into Kapa'a and widening it all the way and all of that. They know we have a problem, but I think it is incumbent upon our State legislative team to make sure that we start changing the direction, instead of fixing things that are fine, let us really address the problem.

Councilmember Hooser: I will keep my remarks brief. We are going to be having a short presentation when the Resolution actually comes up and some of the solutions that Mr. Mickens referred to in that report, I will briefly go over those, and they are a number of offered solutions, small ones and big ones, that go

everywhere from timing of the traffic lights to putting in four (4) lanes. That will be discussed later. The purpose of this Resolution is twofold. One is to educate the community that these are State Highways. People keep saying and banging on the County and the Council to do something about the traffic, but these are State Highways that are badly in need of repair. The potholes between here and Kapa'a are incredible. The public should know that this is the State not doing their job. We cannot put a sign up on a State Highway without getting State Highway's permission. We need to put pressure on our State Legislators, not only the public can do that. If you look at history, the contra-flow, the three (3) lanes were put in between Hanamā'ulu and Kapa'a after pressure from the public. The contra-flow was put in only after pressure from the public and the temporary bypass only when articles occurred in The Wall Street Journal and in other places talking about how bad traffic is on Kaua'i and hurts and visitor industry; therefore, we need to raise that level of dialogue with the State and ask them to do their job. The Resolution recognizes that this is an island-wide problem. It states the fact that the State rates our State Highways from Kawaihau Road, all the way to the "Tunnel of Trees" at the very lowest level in terms of traffic congestion. The center of the population, the largest district, is the Kapa'a District and that area, those businesses suffer. If we were to have a tsunami or any other natural disaster, it truly has the potential to turn into a tragedy and loss of life. Just for the record I want to point out that the Resolution also acknowledges that this is a comprehensive...to solve these problems, a comprehensive look must be taken. As Councilmember Yukimura points out, a multimodal approach must be taken and there is lots of public transportation and different options, but we must focus now and get the State to focus now on moving off the dime. Yes, I have heard also that this is supposed to happen within a year, that they are supposed to start, but frankly I have been hearing that for about four (4) or five (5) years. When I was in the State Senate, I heard that. We had money in the budget, they were going to do it and they have not done it. It is time for the State to get off the dime and that is the purpose of this Resolution – to raise that dialogue. The public is encouraged strongly to send that message loud and clear to the State legislators and to the Governor. Thank you.

Councilmember Kualii: I want to chime in and thank everyone for the testimony. I am sure we will hear more later. I want to ditto the remarks of Councilmember Hooser and Vice Chair Kagawa and just say that this Resolution is important, but what is more important is how we engage the citizens to play a role with our legislators and our Governor, of course. We as a County, the Administration and the Council working together, will do whatever we can to keep up our part because there are County roads as well. The one example is the emergency bypass that opens up by the police in times of need when the road is shut down because of a bad accident near the golf course or what have you. Those lands are on Department of Hawaiian Homelands property, that road is, and we have kept it up and maintained it and we have to continue doing that so that we can open it during emergencies.

Councilmember Yukimura: I agree that we need to involve the State and get them to act more quickly and I appreciate Councilmember Hooser's Resolution, but as he even pointed out, the State Highways alone will not solve the traffic congestion problem and the mode shift or the expansion of the public bus is really important. It can even address the west side traffic. If it comes every half hour instead of every hour, that it can get another twenty (20) to forty (40) cars off the road. Then, if you have a good shuttle in Lihue so that people do not need a car—I was in Portland recently and you do not need a car to travel. That is a piece of it and that is also coming up on today's agenda because without money to expand the system, we will

not be able to have that part of the solution. I am interested in what Council Vice Chair said about fixing what is fine. I am not sure that people who use the road from here to KCC would say that did not need fixing because if you remember, there were long lines every afternoon. It is not easy. There are a lot of people who would be moaning and groaning about traffic in that vicinity right now if it did not get fixed, and that cost eighty million dollars (\$80,000,000) to go from two (2) lanes to four (4) lanes. That is the reality that we have to look at when we talk about adding more roads and what it actually cost. As I pointed out, it could have funded eighty (80) years of bus expansion. Those are some of the things we have weigh.

Councilmember Kagawa: I feel compelled to answer since Councilmember Yukimura mentioned my name. Yes, the four (4) lanes were done for KCC and it helped there, but what I am saying is that we have a thirty (30) year old problem of congestion from the west side coming into Līhu'e and that four (4) lanes expanded eighty million dollars (\$80,000,000) did absolutely nothing to ease the traffic coming into Līhu'e. Again, did it fix congestion from the west side? No. Thank you.

Council Chair Rapozo: Anyone else? For an item that I thought was going to take fifteen (15) seconds, took over an hour. I am obviously going to support the Resolution. Councilmember Kagawa is right, that it is not just the east side; it is also west side traffic. I agree that the west side is actually more severe. On the eastside traffic, at least you get to pull off if you need to. The west side traffic, you cannot, you are stuck. It is frustrating. Every State legislator has an E-mail just like we do. We get tons of E-mails from our constituents about this problem and I would ask that...we need to hear it, but they need to hear it as well. They have election years just like Councilmembers have election years. Many people think that this Council can solve all the problems, but there are a lot of things we cannot solve. There are a lot of things we can do, like this Resolution, and I can tell you this Resolution will go up there and they will file it. But if they hear from the public, if our elected leaders on Kaua'i hear from you and there is a threat of them losing an election, then there is a little more emphasis when they meet with their friends and colleagues up at the Capitol. That is the direction this County has to take and I do not want to sound like I am anti-Kaua'i delegation because I like them all, but at the end of the day if we want to change their activity, behavior, and voting...I just got the voting and I will talk about this later when we get to the fuel tax thing, but they want to raise our taxes. It passed the Senate yesterday and it is going to move. That is going to generate another seventy-five million dollars (\$75,000,000) for the State. The fact of the matter is the State came up here and said, "Any plans..." or the plans that they have to do that alternate highway is gone. "We do not have the money." Really. So what do we do? Does Kaua'i just suffer? That is the State's *kuleana*. They have to worry about that, but at the same time we, as the County, have to take our energies that we have focused on for the last many years on these projects, like the bike path and these Hardy Street improvements and this upcoming TIGER grant for Rice Street—that is not going to help congestion. My thing is let us change the mind-set County, Administration, and Mayor. Let us forgo these "fluff" projects and use your energies, connections, and time to make grant applications for the real issue. The real issue is getting the cars to move from Kapa'a and from the west side into Līhu'e and the only way you are going to do that is not by buying another hundred buses, it is by building another road and that is going to take thirty (30) or forty (40) years maybe, but you know what, we have to start. We have to start by having the discussion and admit the fact that these two (2) lanes is not going to solve the problem. As many of you said, "What are you going to do wipe out the residents and homes along Kapa'a," and say, "Sorry, we need your house because we have to build two (2) more lanes."

No. We need another road and the State can help with that. The State can help with funding and working with the County and finding what that alternate is. You need to be able to get from the Kapa'a side over to the west side on one (1) road. The cane trucks did it. The foundations of the road is there. We just have to build on that. We do not need to go and buy expansive agriculture land and take away land from people – the roads are already there. Let us work on that. Let us start the discussion with these landowners, the people who own these old plantation roads, and let us work from there. But to keep saying, "The State is not going to...it is their *kuleana*..." it is not their *kuleana*. It is the Kaua'i people's *kuleana*. We represent the Kaua'i people so it becomes our *kuleana*. We cannot continue to say that we tried and asked the State. The State is not going to do it. They already told us that they cannot afford it and if we just let it go...we can do the little band-aids—if your house's roof blew off today and you could only afford half of the roof, obviously, you are going to do that, but you would rearrange your priorities now. That vacation that you were going to take next year...sorry, we have to put that money towards the other half of the roof. That is what we have to do. Some of the projects that we are looking at, maybe we have to reassess. Maybe we have to say, "Now is not the time." Some of the programs that we do, unfortunately, Mr. Hart talked about the TAT, and the State keeps making more and more money and they keep holding back from the counties. What do they expect us to do? It is going to come out to where we have to go after the State for more money because we cannot generate the money because of the State's failure in the past. We cannot put that burden on the taxpayers. I will be supporting the Resolution. I will be looking forward to Councilmember Kagawa's resolution on the west side traffic because I believe that is just as important, if not more, than the eastside. With that, I did not want to speak, but you folks got me fired up.

The motion to receive C 2016-50 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

COMMUNICATIONS:

C 2016-52 Communication (02/05/2016) from the Chief of Police, requesting Council approval of an unbudgeted equipment purchase of a ParaDNA screening unit at a cost of approximately \$73,318.98, using unexpended funds from account number 001-1003-551.32-00 (Kaua'i Police Department, Administrative & Technical Bureau, Consultant Services), pursuant to Section 17 of the Fiscal Year 2015-2016 Operating Budget: Councilmember Kagawa moved to approve C 2016-52, seconded by Councilmember Kualii.

Council Chair Rapozo: The Police Department is here with a presentation. Does anyone have any questions of the Police Department?

Councilmember Kagawa: In a nutshell, since they are here...

Council Chair Rapozo: I would ask that they come up and just do a real brief overview...

Councilmember Kagawa: In a nutshell, so that we know and the public knows...

Council Chair Rapozo: I am almost positive that not one (1) person knows what ParaDNA screening unit it. I really believe that with all my heart, but we spend all the time on the roads and we are willing to approve seventy-three

thousand dollars (\$73,000). Please give us an overview so we know exactly what we are approving.

There being no objections, the rules were suspended.

ROBERT GAUSEPOHL, Assisting Chief: Good morning. I wanted to introduce our Crime Scene Specialist Stephanie Regan. She has a very informative presentation. Take it away.

STEPHANIE REGAN, Crime Scene Specialist: Thank you all for your time today and I will try to make this as quick as possible, while also kind of making it thorough. For the record my name is Stephanie Regan and I am the Crime Scene Specialist for the Kaua'i Police Department. I am here today to present the ParaDNA presumptive DNA screening platform. A little bit about me, most of you in the room do not know me, I am the Crime Scene Specialist which means I do all of the evidence processing at crime scene around the County. I have been here since October of 2014. I have advance certifications in the actual processing of crime scenes, underwater investigations, I do consults for the DNA on cold case unit, I process pretty much all of our cellphones for cases throughout the County. I am also a graduate of Harvard University. I have a Bachelor's Degree in Human, Developmental and Regenerative Biology with a Secondary in Global Health and Health Policy, which is basically research medicine, research science. During my time at Harvard, I taught Biochemistry and Advanced Human Genetics. I also worked for three (3) years in the Harvard Stem Cell Institute. In that time my work resulted in five (5) publications, three (3) of which I am an author on and two (2) of those were featured in TIME Magazine.

Just a quick overview of what DNA is because I know some people are more familiar than others, it is basically the binary code for what makes you, you. Just like the ones in zero tells your computer how to work, "A's," "T's," "C's," and "G's," and the combination of them, tells your body how to work and what you look like and all of those different things that make you, you. Actually ninety-nine point nine percent (99.9%) of this genetic makeup is the same between every single person on the planet, every single person in this room, and that is actually three billion (3,000,000,000) base pairs that makes up the whole genome of genetics.

Forensic DNA hones in on that point one percent (0.1%) or actually just a small portion of that point one percent (0.1%) that is different between each individual in the population, and we look at these things called, "Short Tandem Repeats (STRs)." All they are, are short sequences of DNA that repeat over and over again and between every person in this room, and in the State, and in the world, the number of these repeats varies tremendously and put looking at looking at multiple different spots with the STRs, you are able to make up a unique identifier, just like a finger print for each individual. DNA is the gold standard in forensic science. It has been deemed that by many national boards that have looked at it. Suspects do not have to be present in order to look at DNA evidence. It can be left on a wide variety of evidence and you only need very, very small amounts to be able to actually do the analysis and make the identification. It is unique for everyone and the only ones we do not have differences on are those twins. The other thing that is great about DNA is that it is extremely durable. Unlike fingerprints that can easily be wiped away or destroyed by just a passing of a piece of paper over the top of the surface or anything like that, DNA is very durable and stays on material very well.

Some of the effects when you expand DNA analysis across a wide range of crimes have been seen in many studies, both abroad and locally. The British Home Office range had a study and they have showed with suspect identification, without DNA from sixteen percent (16%) and advanced it all the way to forty-one percent (41%) when they were able to process DNA on crimes. They showed that there were two (2) times the suspect identifications over fingerprints and they actually prevented an average of seven point four (7.4) additional crimes by identifying suspects earlier instead of allowing these suspects to go unidentified and keep perpetrating against our communities before they are able to get caught. A National Institute of Justice project that took place on multiple departments throughout the nation showed that there was a five (5) time more suspect identification over fingerprints and this is despite there being a much larger fingerprint database to work from. Nine (9) times more likely to result in an arrest, two (2) times more likely to be accepted for prosecution, and in the Denver's participation in this showed a twenty-six percent (26%) drop in property crime, which is a huge issue for our County currently. There was a five percent (5%) increase in successful prosecution, longer prison sentences achieved, and actually they put a substantial amount of money into this project on the frontend, but despite that, they showed that they were able to save twenty-nine million dollars (\$29,000,000) through being able to catch these criminals faster, avoiding continuous crimes, put them away for longer, and shorten investigation times because we spend a lot of money on overtime and increase time of investigators and people like myself going after leads when we could have identified these suspects sooner. In addition, you have stronger cases so those prosecution times are shorter.

Right now, this is the system that you are looking at for DNA analysis. It takes forever. It gets collected on our side, sends over to a laboratory (lab) either Honolulu Police Department (HPD) or private, gets logged into their system, and then it goes through a process over a dozen machines that it takes to do this process of the actual analyzing the DNA. This process has been estimated to average around fifty-four (54) hours and fifteen (15) minutes per evidentiary sample. With that number, you can see how with all of the cases that the HPD lab has to look at, that they have a tremendous backlog, which is understandable that they have this tremendous backlog. But right now, HPD's backlog is predicted to be two (2) to three (3) months on a murder case, three (3) to six (6) months on a sexual assault, and over two (2) years on property crimes, which means most likely your property crime is not going to get looked at with the DNA analysis of HPD. They have a twenty thousand (20,000) suspect collection backlog as far as just getting people into our State database, maybe a six hundred (600) case backlog on just looking at active cases and being able to run the evidentiary sample. They have purposed to add analyst over the years, but each analyst is only able analyze about forty-two (42) cases per year, so obviously even adding quite a substantial number of analysts does not put a substantial dent in that backlog that they have. You probably all know that there are two (2) legislation items that passed very far in the State this year to process all sexual assault kits and then also expand the suspect or subject requirement to all arrestees instead of only convicted felons as far as being able to process and put into the database. These two (2) legislations are very strong, very powerful for the investigative potential, but they would also very detrimental to the current backlog that we are already seeing in HPD. So you have two (2) to three (3) months that your murder suspects, sexual assault suspects, and these people that have caused great harm to your community are able to walk the streets unidentified.

This was very evident in the Tomas case in Maui of last year. In January or February of last year, he was a suspect in the murder of his Aunt. At this time, the Maui Police Department did not have enough evidence to actually hold Tomas on

these charges and he was able to remain free for about three (3) months while they awaited HPD's analysis of this crime. During this time, he turned around and he is now the suspect in the homicide of his mother. It was found that once the DNA results came back from the initial investigation of the Aunt that he was actually...they had enough evidence on that initial homicide to prevent one more homicide of an innocent individual if they would have been able to get those results quicker and been able to hold this individual.

So, what are our options right now as far as circumventing the backlog that is HPD? Right now, we have contracts with two (2) different labs: Bode and Sorenson forensics. Bode is able to upload to CODIS through HPD; however, Sorenson is not. Still with these, Bode costs about one thousand dollars (\$1,000) per sample and then Sorenson costs about six hundred thirty dollars (\$630), but they are not allowed to look at the CODIS database through HPD and therefore you at least have to have two (2) samples: one, suspect or victim profile, and then one case profile to compare. If you are only looking at one (1) suspect or victim or one (1) piece of evidence, you are looking at about one thousand two hundred dollars (\$1,200) at minimum per case or one thousand dollars (\$1,000), if you go to Bode, if you are able to upload that profile to CODIS. In addition, they still take about four (4) to six (6) weeks to get your results back. We can get results from them quicker, but it cost even more money on top of this. In the private sector, as you know, money talks. If you pay more, they will do it faster. On top of that they charge about a two thousand two hundred dollar (\$2,200) fee which goes to our Prosecution Office and that would be for them to come in and testify on these cases to the results that they get. Also, these prices that you see for Bode and Sorenson are that under contract and on average it is about one thousand dollars to fifteen hundred dollars (\$1,000 - \$1,500) per sample. If our contracts with these companies expire, these prices could go up for the private labs.

Our solution to this problem or our proposed solution is this paraDNA screening system. This system is able to get early intelligence, triage samples in under seventy-five (75) minutes of being able to bring that piece of evidence back into the lab. It is considered non-destructive, it only takes less than ten percent (10%) of the sample, and therefore a full lab can process that case sample again. You can send off that same exact swab, that same exact piece of evidence off to now Bode, Sorenson, or HPD to get the full analysis still. It is also a non-expert system; therefore, we can train a decent number of individuals on this that do not have huge scientific background, like myself, in relatively little time. It also works on blood, saliva, semen, touch samples, and all of the samples that you can imagine. We can also which I will talk about a little bit in a second, use this system to create a local database of these screened profiles. It is a low cost for running. There are two (2) platforms that I will talk about in a second and both of them are under one hundred dollars (\$100) each. It is easy to maintain. It takes about a collaboration a year, and then just some average cleaning. So the two (2) systems that this system runs at current, which they are actually looking at expanding which is great because we can actually use different tests on one machine that we will already have, but at current, this has a screening test and an intelligence test. The screening test...

Council Chair Rapozo: I do not want to be rude, but unless...

Ms. Regan: Yes?

Council Chair Rapozo: We do not need to know the technical...

Ms. Regan: Okay, absolutely.

Council Chair Rapozo: ...or nuts and bolts of the system. I mean I want to know, but I do not think today is the day. Unless Councilmembers have an interest in understanding how this machine works and the internal integrity and all of that...

Ms. Regan: Yes, I was not going to go into it deeply.

Council Chair Rapozo: I read ahead and just in the interest of time, and again, I do not want to be rude and I appreciate the presentation, but I think if you could cover the...I guess for us, you have explained the cost for the current system and the limitations.

Ms. Regan: Yes.

Council Chair Rapozo: Can you just focus on what this will do for you at the Police Department as it relates to the investigations and getting the evidence you need, the DNA, how the grant works, and the benefits? I am impressed and I am just glad you are with the County.

Ms. Regan: Thank you, Council Chair. Basically what this allows us to do, and I will skip ahead to our "Internal Validation," is it allows us to take a sample and run it in the system and get a small profile. If you send it off to the CODIS lab, you will get a thirteen (13) point profile, this will give us a five (5) point profile so the statistics are a little bit lower, but it is still better than the statistics that would be like a photo lineup that a suspect is identified by a victim. It gives us these profiles that we are able to compare two (2) suspects or victims' profiles. That can be used within a database so that we can store those and search them in the future so we do not have to rerun victims and suspects over the years. We were able to validate the machine in our hands and show that it works as expected. There are guidelines (inaudible) that are the national standards for DNA and we were able to prove that those function as they should in our hands. Our final picture, what it will look like is we would take the evidence, screen it on this system—we are hoping that this will be able to give us early actionable leads like search warrants, arrest warrants, identify suspects, identify false suspects, and stop the time waste and financial waste of focusing on those false suspects. If we needed to, if you use this system we are able to get a search warrant, and find the property at a suspect's house, then you caught them red handed with the stolen property, you would not necessarily have to go back and run that...either time waste or financial expenditure on the full lab system, but that is still available if the DNA evidence was needed for court purposes. The grant that we applied for, we were actually voted to be full funded for a ninety-seven thousand six hundred eleven dollar (\$97,611) project for the Justice Assistance Grant. However, this was the Governors Committee on Crime, so they are the ones that are up to date on crime trends and all of that. They voted to fund our project in full, however, we found that there was a caveat in the small fine print of the JAG funding that we were unable eligible because that profiles that are generated by JAG funds have to be uploaded in CODIS and because this is a presumptive test and a mini profile test, they are not able to be uploaded in to CODIS. We were not able to take advantage of these funds, even though we were voted that the project was substantial enough and in dire need for the State to fund this program.

The summary of the benefits is that we are able to, at a cost-effective and time-effective manner, get DNA information on cases. The screening platform that tells

us sex determination and quality, and is mainly for samples is only fifty-five dollars (\$55) a sample the test which gives us those small profiles are around eighty-three dollars (\$83) a sample, as opposed to either waiting months and months for results or spending six hundred thirty dollars (\$630) to one thousand five hundred dollars (\$1,500). That will allow us to instead of only being able to use DNA on the murders, sexual assaults, and those major crimes, it will allow us to expand what crimes we are able to look at with this system. You can actually look at DNA evidence and property crimes, which we are not currently able to do. In addition, it is fast. It gives you these results in an hour and fifteen minutes from the time we get back to the lab, so that it increases our ability to get search warrants, arrest warrants, the ability to get further evidence on a crime by having those leads before that evidence possibly disappears, being able to return stolen property to victims, because if we only get leads a year or two (2) years from now, that stolen property has been off loaded, sold, or used for other purposes, where if we are able to catch them within hours and days of the crime, we might be able to actually locate that stolen property and get it back to the victims. We also expect it to be reducing the time on false suspects and increase the speed and strength of cases put together. If we are to move forward as a County and go to a full DNA analysis system down the road, this sets us up with the perfect platform to make this both time and cost effective moving forward. I will turn it over to Assistant Chief (AC) Gausepohl right now to talk about the general budget that we are proposing.

Mr. Gausepohl:

Are there any questions about the funding?

Council Chair Rapozo: Your letter was very complete. I am not sure if anyone else has, but maybe for the public, if you want to talk about the funding. I think she did a good job talking about the grant and we were successful in getting the grant, however because of that caveat about the CODIS, we could not use the grant. You are asking now for unexpended expenditures in your budget, so no additional funding. It is just funding that you had that you are going to move to purchase this system – that is kind of what I read.

Mr. Gausepohl: That is correct. We were able to streamline the way we revamp the recruitment process and part of that is psychological screening. We had money set aside for that in the budget, but by being more efficient and screening earlier, we were able to save a considerable amount of money enough to pay for this. We anticipate that to continue, so we reduced next year's budget by forty percent (40%) in that account to compensate. We realize that we are able to do that a consistent basis and save money.

Council Chair Rapozo: Right, so the initial funding, this one time amount is the seventy-three thousand three hundred dollars (\$73,300)?

Mr. Gausepohl:

Yes.

Council Chair Rapozo: That is one time and then you are estimating an annual source or an annual cost of about seventeen thousand eight hundred dollars (\$17,800), which would be for the testing, maintenance, and so forth?

Mr. Gausepohl:

Correct.

Council Chair Rapozo: so much to send away.

Small price to pay considering the tests costs

Councilmember Yukimura: Thank you for a very compelling testimony. AC Gausepohl, it is pretty interesting to see how you have built such a great program and screening our recruits and then leveraging that into another leverage point, really, to be able to get evidence quickly. Basically, the bottom line is you are reducing the positions required, the processing time, and crime by...and therefore cost, with this system. Your annual costs are seventeen thousand eight hundred dollars (\$17,800) which includes your annual maintenance and the cost of samples.

Mr. Gausepohl: That is an estimate.

Councilmember Yukimura: What about training and personnel? Is that included in this cost?

Mr. Gausepohl: Stephanie can expand on that, but we ran a pilot so we are able to get the machine and we have the machine. At no cost, they supplied the machine to us. She was able to do considerable testing, pilot the instrument, and make sure it is going to work for us. She saved five thousand dollars (\$5,000) in training, I believe, by doing that.

Councilmember Yukimura: How was that?

Mr. Gausepohl: By actually having the machine there and using it. We are not going to need additional training because that has already been included in the pilot.

Ms. Regan: Right.

Councilmember Yukimura: I see and you will be the person overseeing this?

Ms. Regan: I will be primary.

Councilmember Yukimura: Okay, that is very impressive and it is an example of using technology to really do things smarter and better.

Mr. Gausepohl: And cheaper.

Councilmember Yukimura: Yes, and possibly save lives.

Mr. Gausepohl: Yes.

Councilmember Yukimura: Thank you.

Councilmember Kaneshiro: Thank you for the great presentation. How much do we typically spend on samples a year when we send them off to O'ahu?

Ms. Regan: When we send them off to O'ahu, they at current, do not actually charge us for those costs. It just takes that considerable amount of time, so it really detracts our investigation timelines. When we incur those big costs is when we cannot wait for that timeline to occur, which actually happens more often than not. Those costs for that six hundred thirty dollars (\$630) to about one thousand dollars (\$1,000) per sample that we send to private labs.

Councilmember Kaneshiro: Do you know how much we are spending on that?

Ms. Regan: It has ranged a little bit each year, but Ken, do you have a good number?

Mr. Gausepohl: We can get you that number.

Councilmember Kaneshiro: It is a good comparison to say, "We are spending this much on sending the samples to O'ahu and this is how much the machine is costing us." Hopefully we are saving money, if not, it is very close, but we get the samples quicker.

Mr. Gausepohl: I did want to note that I believe we are the only State in the United States without a State Crime Lab, along the lines of the highways are also relying on the Honolulu Police Department, which is the City and County to provide us with the service. I do not think that is sustainable. I think we need to move towards the future, which I think this is the first step of, and then moving into the CODIS certified testing. If we do not do this, we are going to be falling farther and farther behind and I think for this price, not costing the County any extra money, I think it is the way to go.

Ms. Regan: One thing I will add to that is that at current across the Nation, it is estimated that about fifty percent (50%) of profiles that you send away for testing—so we are spending that six hundred dollars (\$600) to a thousand dollars (\$1,000) on—comes back as no results being able to be obtained. This system would allow us to be able to screen them at fifty dollars (\$50) to eighty dollars (\$80) a pop and eliminate wasting that six hundred dollars (\$600) to one thousand dollars (\$1,000) without even knowing if there is a potential for getting a profile (inaudible) or not. We had a sexual assault case not too long ago where we had a mattress with two hundred (200) points of interest and this was the suspect's mattress and we were looking for the victim's profile. HPD only allows us to send over three (3) samples at a time or obviously to process all two hundred (200) of those samples, you are talking about a huge cost occurrence if we were to send those out. But sending three (3) samples over at a time to HPD, on a male's bed, most likely that profile you are going to come back with is that male, even though you are looking at different highlighted spots of interest and that is what we found. When sent them off and you would get the male profile back when we were looking for the female's profile. At fifty dollars (\$50) a pop, we can look and run a different number of these samples and identify that at least it is a female profile of interest and it is a good quality female profile, and we could take it a step further and get that mini profile to compare. Then we can either send it to HPD and now we have definitive proof that it is worth our time to wait for that sample to be returned or to spend that money to go to the private lab. Does that help?

Mr. Gausepohl: Fantastic investigative tool.

Councilmember Kaneshiro: Do any of the other Counties have this machine?

Ms. Regan: No, they do not at current, but they are all very interested in it.

Councilmember Kaneshiro: Do you foresee other Counties sending us their stuff and then we charging them to process it?

KENNETH P.K. CUMMINGS, Acting Lieutenant: Yes. I have spoken with the captains and lieutenants from Maui Police Department and Hawai'i island and they are very interested in the process that we are going through right now because they would start sending samples to us, which would help us in building our database to help out the State. It would be at a fraction of a cost because they have the same problem we do. They have the same turnaround time when we send samples to HPD's lab, three (3) to six (6) months for higher profile cases, maybe six (6) months for sexual assaults, and two plus (2+) years for property.

Council Chair Rapozo: Unless you are willing to pay.

Mr. Cummings: Unless you are willing to pay the price.

Council Chair Rapozo: Remember that mentality when we offer the service to Maui...

Mr. Cummings: We are taking that into consideration.

Council Chair Rapozo: In the spirit of justice, I would like to see us be very nice, but we have to pay for it.

Ms. Regan: No, we are hoping that it can help with overhead cost and things like that.

Councilmember Yukimura: Yes, if we become a vendor for the other Counties, we want to create at least a sustainable business or at least a small profit.

Ms. Regan: Yes, absolutely.

Councilmember Yukimura: That would seem appropriate. You do not have numbers on your slides, but the one that says, "Effects of DNA on Crime," where you talk about the Denver district experiencing a twenty-six percent (26%) drop in property crime. How exactly did that happen? Was it a deterrent effect because you were catching the property crime criminals and the word got out or you just caught the people who were doing it and removed them from the scene?

Ms. Regan: If you look up at the British Home Office study, they have these seven point four (7.4) additional crimes being prevented by being able to identify sooner, I think that is the primary factor.

Councilmember Yukimura: Oh, I see.

Ms. Regan: Yes, when you tell your community that you are hitting harder on certain topics, it will be a preventative factor as far as the mentality goes, but as far as that goes, I think the biggest factor is being able to identify and convict those people sooner and hold them for longer. Those are the people that...most of the time once we are able to catch property crime perpetrator, they have burglarized many houses, businesses, and cars. If we are able to identify those people sooner and have stronger cases against them, you can actually put them away and stop that seven point four (7.4) additional crimes and drop that property crime level by having those people identified.

Mr. Cummings: I can expound on that, Councilmember Yukimura. When it comes to property crimes, what we found out is that a lot of property crimes are committed by very few people. So if we can get a lead into who might be responsible or what group of people might be responsible and we take them down or we arrest them, it really slows it down if not stops it for a little while. I can tell you about a case about two (2) to three (3) years ago, we did an operation and we caught six (6) people, it was a ring, and they were responsible for over a hundred (100) burglaries and car break-ins. That is where it would drop the property crime.

Councilmember Yukimura: Thank you. That is very encouraging to hear, because as we know, property crimes are really a problem on this island, both against residents and visitors. So a quick way to identify and get those criminals and put them away or at least stop them will be very good.

Councilmember Kagawa: Stephanie, are you planning to stay with KPD for a while? I would hate to purchase this and then we unexpectedly lose you and we do not have somebody to run it.

Ms. Regan: One of the things that I have been very open and honest about with the Department and with anyone in this County is I want progress for this County. While we are moving forward, while we are making progress, I hope to be here. I love this County. I love what this Department has done, the direction that they heading, and I hope to be here for the time that we are moving forward.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: We can amend the motion to include a five (5) years...if she leaves within five (5) years, she pays for this machine. Do we have anybody wishing to testify because we have to take a caption break and I really want to dispose of this? Okay, we have somebody in the back. We will do it after the caption break. I know this is a fact and I will ask a question, but I know throughout law enforcement, cost often times prohibits the department from doing the investigation that should be done and DNA is one of them. I have been involved with enough cases to know that we could not test that sample because it was just too expensive, or we could not test two hundred (200) samples. Obviously, when we purchase this system, is that going to take that prohibition away? In a scenario of the two hundred (200) stains...

Mr. Gausepohl: What it will do...it is a presumptive test.

Council Chair Rapozo: Right.

Mr. Gausepohl: It will narrow it down to where we can send that one (1) or two (2) samples. We are still going to have to pay some money, but we are going to be quite certain that those samples that we are sending are good samples and we will get good results, convictions, and the things that we are looking for; instead of just shooting in the dark and hoping that this is the right sample. So yes, I think it will be a tremendous investigative tool to allow us to do things that we cannot do now.

Council Chair Rapozo: Okay. That is good. I have to take a caption break because we have to. We will take a ten (10) minute caption break.

There being no objections, the Council recessed at 10:32 a.m.

The meeting was called back to order at 10:48 a.m., and proceeded as follows:

(Council Chair Rapozo was noted as excused.)

Councilmember Kagawa: Did we have somebody that wanted to speak from the public? Please step forward and begin by stating your name.

WYATT ANGELO: My name is Wyatt Angelo. I really did not intend to address this today, but frankly it just fell into my lap. I am a retired state and federal prosecutor from Colorado. This is really an investment, in my opinion, not only in the police efficiency, but also in future savings to victims whose criminals are taken off the street before they get victimized. The only issue that you might want to find out is whether in fact courts have accepted this technology and the results for the purposes of probable cause determinations. Thank you.

Councilmember Kagawa: Thank you for your testimony. Next speaker.

Mr. Bernabe: Matt Bernabe for the record. I also support this investment. Much of the things that were said today, I agree with. We live in a subtropical environment. The samples could deteriorate so fast that you would want something to be on site versus having to send it out and more steps in the chain of evidence. On the other note, personal, I do not and have not committed a crime that would have this technology used against me; however, if somebody who is innocent and plans to be innocent, I would like the technology to defend me if I am ever accused of something. I really like that part of this story the most. Thank you.

(Council Chair Rapozo was noted as present.)

(Councilmember Kagawa returned Chairmanship duties to Council Chair Rapozo.)

Council Chair Rapozo: Anyone else?

Mr. Mickens: Glenn Mickens. I just want to congratulate Ms. Regan for being onboard this ship. She is brilliant. I just hope that we can keep people like her around and I really appreciated her testimony today. I thought it was outstanding. Thank you.

Council Chair Rapozo: Thank you. Anyone else?

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: Could we call back AC and Ms. Regan, I want to ask that question about acceptability in the courts.

There being no objections, the rules were suspended.

Councilmember Yukimura: Actually on the slide that says, "The Solution," I had a note that I forgot about until the gentleman who just spoke mentioned it. Is it acceptable in the Courts? Are there any issues there?

Ms. Regan: As with any new technology, it will have to go through the evidentiary process. You have to get it into the Hawai'i Courts, but this system has shown the trends that every new technology shows. It is vastly, vastly used very standardly in Europe which is usually the frontrunners as far as DNA technology or any forensic technology goes, then it usually hops over to Canada. It is very accepted there, and then our very fast Country catches onboard and actually jumps onboard with the technology. It has been used in the different State's throughout the Country and has been working successfully in those. We would have to go through, obviously every Court system, every circuit is different and it has not been through our particular circuit yet, but all of the trends and the pieces of the puzzle that usually need to fall in place for it to be accepted, have occurred.

Councilmember Yukimura: So, this is another piece of pioneering that our division would have to do.

Ms. Regan: Absolutely.

Councilmember Yukimura: The main use at the moment would be in this quick diagnostic that can help you in the crime investigation process.

Ms. Regan: Absolutely.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Thank you.

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: I just want to say that this idea that this is an investment in efficiency and innovation, I think, hits the nail on the head. I really believe that is the direction that this County has to go in because we have an ever growing need for services and limited financial resources, so to use technology to address the issues effectively is really a cost effective way if we have the right technology and the right framework for using it. I really want to commend AC, Ms. Regan, and staff for the work. It is really pioneering and foundation work. I think it is a model of how we would like to see all departments operate.

Council Chair Rapozo: Any further discussion?

The motion to approve C 2016-52 was then put, and carried by a 6:0:1
(*Councilmember Chock was excused*).

(*Councilmember Yukimura was noted as not present.*)

C 2016-53 Communication (02/17/2016) from the Fire Chief, requesting Council approval to accept a donation valued at \$17,940, of OluKai footwear (slippers and shoes) from the Hawai'i Lifeguard Association, for the purpose of providing effective foot protection for Ocean Safety Bureau personnel while performing Water Safety related duties: Councilmember Kualii moved to approve C 2016-53 with a thank-you letter to follow, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion? Any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2016-53 with a thank-you letter to follow was then put, and carried by a vote of 6*:0:1 (**Pursuant to Rule No. 5(b) of the Rules of the Council of County of Kaua'i, Councilmember Yukimura was noted as silent (not present), but shall be recorded as an affirmative for the motion; Councilmember Chock was excused*).

C 2016-54 Communication (02/19/2016) from the Fire Chief, requesting Council approval to apply for, receive, and expend the following two (2) Assistance to Firefighters Grants (AFG):

- The first grant will be utilized to purchase fifty (50) Automated External Defibrillators (AED) with training. KFD's current AEDs are ten years old and failing. Replacement parts are no longer available. The total cost of this project is \$219,708, of which the AFG would cover ninety percent (90%) or \$199,735.00 and the KFD would be responsible for the remaining ten percent (10%) or \$19,973.00.
- The second grant will be utilized to purchase a 2,000 gallon, 4x4, Water Tender with training, which will assist KFD in remote locations or where additional water resources will be needed to mitigate structure, brush or other fires. The total cost of this project is \$286,000.00, of which the AFG would cover ninety percent (90%) or \$260,000.00 and the KFD would be responsible for the remaining ten percent (10%) or \$26,000.00.

(Councilmember Yukimura was noted as present.)

Councilmember Kuali'i moved to approve C 2016-54, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion? I do not know if there are any questions, but we will suspend the rules if you want to give us an overview.

There being no objections, the rules were suspended.

KILIPAKI VAUGHAN, Fire Prevention Inspector I: I need to make a correction on the first grant. The project cost is not two hundred sixty thousand dollars (\$260,000); it is two hundred nineteen thousand seven hundred eight dollars (\$219,708). It was an inadvertent error on our part.

Council Chair Rapozo: The one hundred ninety-nine thousand seven hundred thirty-five dollars (\$199,735) correct? The actually money we are getting?

Mr. Vaughan: Yes. The cost shares are correct. I want to make certain that also these were submitted applications. They have not been funded or awarded yet. They are still under consideration and peer review.

Council Chair Rapozo: Thank you very much. Any questions? I think it is relatively self-explanatory. The AEDs are ten (10) years old, cannot replace parts,

and obviously the 4x4 Water Tender. Thank you for seeking grant funds for those things – that always helps.

Councilmember Kaneshiro: As far as the AEDs go, if we did not seek out a grant, would we just be forced to have to purchase it ourselves?

Mr. Vaughan: Absolutely correct. We would fund it ourselves.

Councilmember Yukimura: (Inaudible) and it is so commendable that you sought grant moneys for it. Procedurally, we like to have it before it is submitted, so I guess you know in the future.

Mr. Vaughan: Yes, so if I can just clarify, the mechanics of the grant always is very hard. It is a FEMA portal and by the time the budget comes out and by the time it is developed, it becomes a little tough to put it through and then actually submit the application. So we have been trying.

Councilmember Yukimura: Thank you. That is important for us to know and maybe we can even look at how we set up our procedure. Thank you.

Councilmember Kagawa: I had that similar concern. We have a consistent process that before they apply for the grants, that it comes before this body, because I do not want to run into that same problem, like we have been talking about the TIGER grant, and that we know there is a two million dollar (\$2,000,000) match and we did not know all the details that went into applying for the thirteen million dollars (\$13,000,000) to do all the Rice Street renovations. It is kind of like we would assume that we would apply for it because it is a good thing and not giving us all of the details, so I appreciate that you folks are trying to come before us before you even apply for it. Thank you.

Councilmember Kualii: As far as information for the public, where are these fifty (50) AEDs located, used, and used by who?

Mr. Vaughan: For clarification, I will turn it over to Fire Fighter Medeiros.

DEVIN MEDEIROS: We are asking for fifty (50) defibrillators. We are going to replace all of our current equipment that is on our apparatus and brush trucks. We also going to be replacing the lifeguards' AEDs and we will be placing AEDs in all of our vehicles so that we would increase the efficiency for the chain of survival for quick AED or quick defibrillation. Therefore, all of our Battalion Chiefs' training prevention vehicles will have an AED as well.

Council Chair Rapozo: When will we find out about the grant? Will it be before your budget?

Mr. Vaughan: It is going to be a little close. I believe the earliest we will hear is early-June and maybe anywhere up to December of 2016.

Council Chair Rapozo: I guess the question is what happens if we do not hear? Are we going to anticipate this purchase in the upcoming budget with general funds?

Mr. Vaughan: I will leave that answer to the Fire Chief.

Council Chair Rapozo: Okay. We will ask him that in the budget. The last thing I want to see is one of our AEDs not working at a lifeguard station. Thank you. Anyone else wishing to testify in this matter?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2016-54 was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: That is it for the Fire Department, right? There is one more identification item, C 2016-57, I would ask that we take that now so the police can leave.

There being no objections, C 2016-57 was taken out of order.

C 2016-57 Communication (02/25/2016) from the Chief of Police, requesting Council approval of the indemnification provision contained in the agreement between Kaua'i Blue, Inc., dba Sheraton Kaua'i Resort and the Kaua'i Police Department (KPD), for use of the Sheraton Kaua'i Resort for KPD's Tactical Conference from April 24, 2016 to May 3, 2016: Councilmember Kualii moved to approve C 2016-57, seconded by Councilmember Kagawa.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2016-57 was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: The Prosecutor's Office has come back, so I would ask that we take them back so that they can go back to work as well. Thank you for coming back. I am thinking that we need to approve this today and I would expect us to do so. We can repost another item if we had questions on the specifics programs and do that at the Committee level because I can see this going on and on. If there were any pressing questions you had...I think you had some questions about the numbers, I would like to do that today, but on any of the specifics as far as the program, we can do that at another posting.

Councilmember Yukimura: Thank you, Chair, I believe we should approve it today also, and whatever information they have now, I would like to hear and I have no objections to another posting.

Council Chair Rapozo: Thank you. With that, I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Kollar: Thank you for having us back. We did go and obtain some information and then I expected you have some questions for us. In regards to percentages of cases that get referred to the program, we currently have

two thousand two hundred sixty-seven (2,267) active cases assigned to our attorney staff. Of those, five hundred forty-nine (549) are assigned actively to Victim Witness staff, so that represents approximately twenty-four percent (24%) of the active caseload. That of course includes cases where there are no human victims involved. To go and do that breakdown as far as how many of those are persons crimes and how many of those are crimes that do not involve human victims would take a little bit more time; we would have to spend sifting through data. We are happy to do that, it is just not something that we get done today. In terms of the State reported statistics from the period January 1, 2015 to December 31, 2015, six hundred nine (609) total persons served, comprising three hundred seventy-four (374) crimes against persons, one twenty-seven (127) property crimes, and then a hundred eight (108) fell into both categories. Among the services provided to victims, education and information, advocacy, counseling, crime/victim compensation information, referrals to outside agencies, case preparation which is basically working with them on preparing for a trial, court accompaniment, and transportation. Total number of witnesses served was two hundred twenty-eight (228) and the services provided was education, information, advocacy, counseling, case preparation, court accompaniment, and assistance with transportation. Then total number of other served is one twenty-five (125) and twenty-two (22) total number of witnesses managed for grand jury purposes. Forty-eight (48) satisfaction questionnaires were sent out and three (3) were returned, all of them were positive. As far as the VOCA reporting, the last quarter, and this is just VOCA grant activities, so there are some overlap with the other numbers I gave you, but these are not in addition to the other numbers I just gave you. Total numbers of victims served or individuals receiving services during reporting period is two hundred twenty-two (222) of which we have ethnic and demographic breakdowns, types of services, types of cases: adult physical assault, adult sexual assault, adult sexually abused, assaulted as children, arson, burglary, child physical abuse or neglect, child sexual abuse or assault, domestic and/or family violence, driving under the influence (DUI) cases, hate crimes, and identity theft, fraud or financial crimes. That is essentially the gist of the services provided in the last quarter of reporting period under the VOCA project. Just to clear up any misconceptions that might be out there, the name of the program is the VOCA Expansion Project. It got that name twenty (20) years ago when the program started because at the time it did represent an expansion of the services that were available and the federal government has supported that program, indeed, for many years since then. The Counties act as the ultimate conduit of that money that filters through the Department of the Attorney General.

Councilmember Yukimura: So it is in fact a recurring grant; it is not a new initiative or anything like that?

Mr. Kollar: Correct.

Councilmember Yukimura: In the future when you bring these statistics, if you can make copies for us. It is really hard to follow, just in oral a presentation.

Mr. Kollar: By the same token, the earlier we get the request and know what to prepare, we can have a packet ready for everybody. That is not an issue.

Councilmember Yukimura: Very good. Thank you, we will take a look at those.

Council Chair Rapozo: I will take responsibility on not getting those questions across. Our staff Christiane Nakea-Tresler have sent me, I believe, three (3) reminder E-mails and there was just a lot of things going on. It is not on our staff, this one is on me.

Mr. Kollar: No, Christiane is great at reminding us as well and we really appreciate her hard work.

Council Chair Rapozo: Thank you. We will open it up to public testimony for those of you who have not testified. If not, we will call the meeting back to order.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Any discussion?

The motion to approve C 2016-43 was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Staff, I will probably schedule another...I know we have budget coming up as well, so we may just get some of these things done during the budget reviews. Next item.

C 2016-55 Communication (02/22/2016) from the Planning Director, transmitting the Planning Commission's recommendation amending Chapter 8, Kaua'i County Code 1987, as amended, restricting homestays to the Visitor Destination Area (VDA) and establishing standards under which homestays should operate: Councilmember Kagawa moved to receive C 2016-55 for the record, seconded by Councilmember Kaneshiro.

Councilmember Kagawa: This is a process question that we could consider that if you testify under this communication, that you cannot testify again when the Proposed Draft Bill comes up. Keeping it to six (6) minutes per person, per subject is something that we should follow.

Council Chair Rapozo: I did have our Clerk check with Office of Information Practices (OIP) and this what we will do. OIP says that if we allow testimony on the combined items we need to notify, so let me just make that statement. We have communication C 2016-55, as well as Proposed Draft Bill (No. 2619). We will take testimony on both items now or you can wait until the Bill comes up. If you testified on the matter this morning, then you forgo your opportunity to speak at the Bill. It is the same rules, three (3) minutes your first go-around, and when everyone has completed their testimony, you can come up for a second time for three (3) more minutes. If you testify on this manner this morning on the communication on the transmittal letter, then we will carry your testimony over to the bill. So, you do not have twelve (12) minutes to speak on the Bill; you have six (6) and you can do it at the time of the communication. That is where we are at today. Is there anyone wishing to testify on C 2016-55 or Proposed Draft Bill (No. 2619)? If you have not signed up, please sign up at the table over here by the computer monitor. Thank you.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Chair, we have registered speakers.

There being no objections, the rules were suspended.

MOLLY O'ROURKE: Good morning. I am here to talk about living next to an Airbnb. Right now, I live in the Wailua Homesteads and I am living next to my neighbors who have no valid licensing or permitting and they are operating an Airbnb in their home. They live in the home also. This has been going on now for a little over two (2) years. We are constantly struggling with the noise. The guests are on the *lanai* late at night, partying and carrying on later than I would like them to be. There are car alarms sounding at all hours. There are early morning check-ins, it is all just extremely disruptive – it feels like I am living next to a hotel. There is the fact of just having strangers outside of my house with different people all the time around my home. I am a mother of a young daughter, and I also work full-time, so we have a routine where we like to go to sleep early and get up early, but there is just constant commotion and loud noise coming from next door. The owners of the home also promote on their Airbnb website that they are license marijuana growers and users. They say it is, “420 (four-twenty) friendly,” so they invite their guests to partake in the smoking of marijuana on their porch which also...the way our house is positioned, the noise and everything just comes right into my bedroom window and my daughter's bedroom window. I have addressed them and have made complaints to them about the noise and the smoking, but have gotten nowhere with that. Basically, I am just super frustrated. It is hard to go home and be dealing with that kind of thing. I am basically just asking for the stricter laws on the bed & breakfasts (B&Bs) and that it is followed through to ensure that the legal operation is not continued.

Council Chair Rapozo: Thank you very much. Is the Planning Department here? I am going to ask you real quick if you can get her information out and this “420” nonsense, this marijuana smoking – please get her E-mail and follow-up on that. The laws in Hawai'i, which is legal, does not apply to somebody that comes here with a California card or Idaho card or whatever. Staff, can we get her contact information because I want to talk to her in more detail. Next speaker.

CATHERINE COWERN: My name is Catherine Covern. I appreciate the opportunity to be here to speak. Usually, I am here to talk about our own personal situation, but I am not going to do that today because you heard enough. In reading through the proposed draft bill, I had a couple of general comments and I do think it is a really good idea to regulate homestay operations. Just based on the last testimony we just heard, that clearly is an operation that is not good and complaints of neighbors has always been one thing that has helped to regulate homestay operations and an easy way to close them down. What I wanted to talk about today are a couple of other things and the first relates to jobs. We know that outside of government, tourism is the biggest industry that we have on the island of Kaua'i. Most of the hotels here are not locally owned and they bring in their management people from the mainland and that means that the majority of the jobs offered are housekeeping jobs, food service, or grounds maintenance jobs. The businesses that are supported by homestay visitors are those that are geared move towards local ownership: the “mom and pop” restaurants, the small gift shops, and the activity companies. Many of these are locally owned and employ local workers. The opportunity here is also for local people to start their own businesses, like maybe a food truck, landscaping business, housekeeping business, tour companies, or other activities. Homestay visitors also like to visit the local farmers' markets and help support our local farmers. My second comment is about the visitor destination area (VDA), over the past year with all the discussion about cramming all tourism into the VDA, which is for the most

part along the shoreline, I am beginning to have an environmental concern over the impact on our reefs and ocean life. There is a large number of resort-type developments currently approved that will also be in the VDA and I just hope that that there is some attention being made to this development along the ocean is having on the environment. My last comment is about traffic. As we heard a lot today, that is a big problem on the island. My understanding is currently homestays are only about one percent (1%) of Kaua'i tourism, so I am assuming that there is a minimum impact on traffic from those types of operations. I just want to thank you for the opportunity to speak this morning.

Council Chair Rapozo: Thank you very much. If you do have written testimony that has not been submitted and if you do not mind giving it to our staff. They can make copies and give you back you copy. If not, that is fine as well. Next speaker.

(Council Chair Rapozo was noted as not present.)

ALEXIS BOILINI: My name is Alexis Boilini. I am the owner of Marjorie's Kaua'i Inn - Bed & Breakfast. Thank you for allowing me to offer testimony today on this subject. As a B&B owner/operator who has been in this business for over thirty (30) years, I would like to take this opportunity to remind you that B&Bs have somehow been merged into the term "homestays," as if they are the same, when in actuality they have elements that require or at least include a different set of standards. The classic B&B generally serves a daily breakfast in a common area or on a breakfast *lanai*, where guests gather, sharing their travel and cultural experiences over a distinct meal – the breakfast. This clearly suggests a different categorical definition.

This was recognized in the General Plan in 2005 when it said on the third page, "Definitions are at the heart of regulations in zoning ordinances. It is the lack of appropriate definitions in the Comprehensive Zoning Ordinance (CZO) that creates many of the regulatory problems associated with TVRs and B&Bs." The structure of any definition is essential to successful administrative implementation and regulatory enforcement. Currently, the CZO does not provide a definition of B&Bs. The term "bed and breakfast can be used to describe a wide variety of accommodations. That was in 2005 and to this day, the CZO still has not defined the term bed and breakfast. It simply says, "See others," and then lists all the other types of accommodations in parenthesis. If I may suggest that before any new legislation is adopted, that there be an opportunity for the Councilmembers to remove any conflicting terminology regarding what constitutes a homestay versus B&B. I, as a B&B owner, who is effected greatly by the terminology would like you to consider adopting very specific definitions as you develop the parameters. Of course, this includes if you decide to make them one in the same, I would ask it be clearly articulated in the ordinance.

In addition to clearly defining what a homestay is, I would also like you to consider the same grandfathering protection to "homestays" and "B&Bs" that were provided to the TVRs in 2010, as a matter of fair and equal treatment. If there is a concern that "floodgates" would open in this process, perhaps a further suggestion that those who have already come in to apply, be those included in the clause and only if they, as in the case of the TVRs, can demonstrate that they have been lawfully in business for a number of years (i.e. consistently taking reservations and paying their general excise tax (GET) and transient accommodations tax (TAT) taxes). It

must be mentioned that there are only approximately twenty-one (21) total applicants, of which approximately ten (10) have already received their permits.

Councilmember Kagawa: Alexis, your light is on. You will have three (3) additional minutes after everybody has testified.

Ms. Boilini: Can I just finish this last paragraph?

Councilmember Kagawa: You can if you only have one last paragraph.

Ms. Boilini: And that is all I will do. Okay. Actually, no I am not going to continue. Thank you so much. I have the testimony here to give to you all.

Councilmember Kagawa: You have three (3) additional minutes if you want to come back.

Ms. Boilini: Okay. Thank you so much.

ELIZABETH BARTON: I have a homestay, B&B. My concern is the VDA restriction. These areas are already hugely serviced by the tourist industry and I think that people that want to stay there will continue to stay there. Po'ipū is one of the big ones. It is also in a tsunami zone. Princeville is not, but I think the homestays give an opportunity for a lot of younger tourist that come from Europe to come and stay where as they would not be able to afford to do so at the large resorts. They are smart. They move their stays around. They will stay on the north shore for a few days, they will stay on the south shore for a few day. I have known them to be extremely respectful, extremely quiet at night. The parking issue would be exactly the same at my house as if they were not there. I think in areas that are already commercially based, it gives an opportunity for the local businesses to share more in them seeking out restaurants at night, places to shop for souvenirs to take home, and things like that. If it is in a commercially viable area already, then it does not influence the community nearly as much as, say the other person who has noisy people that are not restricted in any way. When you are living in your own home, you are able to police that yourself in a much easier manner. That is basically all I have to say. Thank you very much for your time.

Councilmember Kagawa: Thank you, Elizabeth. I will turn the meeting back to the Chair.

(Council Chair Rapozo was noted as present.)

(Councilmember Kagawa returned Chairmanship duties to Council Chair Rapozo.)

Council Chair Rapozo: Councilmember Yukimura, restate or rephrase.

Councilmember Yukimura: I just want to know if she has something in writing and whether that can be made available.

Ms. Barton: No, I do not, but I am willing to write something and send it in before the bill is voted on.

Council Chair Rapozo: That would be helpful. Thank you.

DAVID O'ROUKE: My name is David O'Rouke. This is my first Council Meeting. It is very educational. Talking about the homestays, Molly, the first speaker, is my daughter. I live on the other side and we have a different experience with a lot of people on vacation...we live in a residential area and they are pretty loud up until 10:00 p.m. We have to go to bed and work in the morning and we have complained to the Planning Department. I have a long-term rental on my property, an affordable rental. I get a break from the County on my taxes. Basically we are living next to a hotel with check-in times and they have poured three (3) cement pads for additional parking. We now have a flooding issue from that kind of thing and if it is a money issue, why could they not rent these rooms to long-term renters? We have a shortage of long-term affordable renting on the island. It is nice to have vacationers, but really, not in a residential area. I have lived in this house for sixteen (16) years and have always gotten along with my neighbors and now these people have moved in and it is just frustrating at night to hear all the noise. I know you are considering restrictions on the homestays and I understand that people want to make money and have additional income, but you have to have a balance between people who work and have lived here. That is it. That is my testimony. I just wish we had a regulation about residential areas and some restriction in that way. Thank you.

Council Chair Rapozo: Thank you. Anyone else not registered that would like to speak? First-time speakers? We will come back to the people who have already spoken.

Mr. Bernabe: Before I start my testimony on this, could I ask a procedural question that is regarding the agenda item C 2016-50? Since it was not previously addressed, does the six (6) minutes apply to that one? Only the ones addressed? Okay, thank you.

Councilmember Kagawa: I think you clarified it with your statement that we have to announce it to the public prior to the two (2) items coming up and we did not mention it. We did not meet that criteria by OIP.

Mr. Bernabe: Matt Bernabe for the record. Thank you very much for the clarification. I have spoken many times on this issue. I am not going to change my position. I do not want them in residential zones. I have not wanted them...one of the main reasons that I do not want them in my residential zone is...because it can mess up the taxes. There are other reasons that are valid, but for me, I am so forward that if there is a problem in my neighborhood and we have a pretty tight neighborhood, so we probably would address it and deal with it with some of the horror stories that I have heard about living next to some of these vacation rentals. With that said, I do not think anyone, if they want it or do not want it should make the argument that because the tourist want to stay in residential areas or i.e. "not vacation areas," that that is a justification for coming up here and making your point that we should have it in our neighborhoods that are zoned Residential. I am going to end it on that. I do not support leaving them in residential, so obviously I support this. Thank you.

Council Chair Rapozo: Anyone else wishing to testify for the first time?

CAREN DIAMOND: Good morning. Caren Diamond. Today I am here to support the amendment before you. I think it is important for homestays and

B&Bs to be located in the VDAs and what is left of our communities to be used for residential uses. I just wanted to voice my support. Thank you.

Council Chair Rapozo:
testify for the first time? Ken.

Thank you very much. Anyone else wishing to

KEN TAYLOR: Chair and Members of the Council, Ken Taylor. I am adamantly opposed to any vacation activity in residential neighborhoods period. That being said, I do believe that the few people that have been operating legally with permits and paying their taxes and everything should be grandfathered in, in the future. I do not believe that those issues should be transferable when the property is sold that should disappear. The other issue of concern is that a lot of residential homes had a septic system to provide for a single-family home and now when you start putting vacationers in there and start increasing the amount of potential water use in the home, often times the septic systems are not adequate to take care of that extra load, and what we see happening is either surface water coming from the septic systems or they are having to pump on a more regular basis to keep the problem from happening and this is certainly a health and safety issue that is really important to address. I think again, when people apply for their permits, they should be required to show that they have an adequate system to take care of that load. Thank you.

Council Chair Rapozo:

Anyone wishing to testify for the first time?

SAM LEE: Good morning. My name is Sam Lee. I am speaking in favor of the Proposed Draft Bill before you. Lastly, I would like to thank the Council Chair, Vice Chair, and other Members of this Council for their unwavering support to the premise that is under discussion here. The residential neighbors are very appreciative of your support and your action. Thank you very much.

Council Chair Rapozo:
the first time?

Thank you. Anyone else wishing to speak for

TINA SAKAMOTO: Good morning. My name is Tina Sakamoto. I would like to applaud the Planning Commission's recommendation to restrict homestays in the VDA. I think it is vital that the character of our residential neighborhoods be protected against commercialization. Again, I am in support of restricting homestays to the VDA. Thank you.

Council Chair Rapozo:
time.

Anyone else of the first time? If not, second

Ms. Barton: Elizabeth Barton. I just wanted to add to my testimony that all my neighbors are aware that I run a B&B from my house. I have had absolutely no complaints. In fact, some of my neighbors make a lot more noise than I do at night and in the morning. I also own a long-term rental, which is affordable housing for the community because I wanted to give back something as well. I do not make any money on this at all, but if I could not have my homestay in my house, I would probably be forced to sell that house in order for me to stay in my house and possibly even to the point of having to sell both houses and move off-island permanently. This is my income and this allows me to stay here. Thank you so much.

Council Chair Rapozo: Anyone else wishing to speak for the second time?

Mr. Bernabe: Matt Bernabe for the record. I also would like to say that as we heard testimony throughout the entire discussion of B&Bs, which we have heard B&B owners themselves talk about them being upset with neighbor's dogs barking early in the morning. When the tourist get up to go on their tours and coming home at 10:00 p.m. I just wanted to talk about that discussion because we have the task of figuring out who is going to be the enforcement for our own dog ordinance and this is one of the areas that is causing dogs to barks not all the way across the board, but we have actually heard the B&B owner grumble about dogs in the dog ordinance discussion. If they were not in the residential areas, this would not even be a thing. Thank you.

Council Chair Rapozo: Thank you. Anyone else wishing to speak for the second time? If not, I will call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: Are we subject to that rule as well – where we can only speak once?

Council Chair Rapozo: Who, the Councilmembers?

Councilmember Kagawa: Yes.

Council Chair Rapozo: No.

Councilmember Kagawa: Okay, I have a little bit. This is a very complex issue and the reason why it is complex is because in 2008, a huge mistake was made by the County, not only the Planning Department, but this Council as well; not a mistake in that they "tried" to make a mistake. They tried to do a good thing, but it ended up where we required the Planning Department to do more than they had the staff to do and it required mass grandfathering of TVRs. What you see in Hanalei and Hā'ena is permanent due to that action in 2008. For this Council here, we try not to make the same mistakes. We try not to let what happened there, happen in other communities. Having said that, we have a process from 2001 that the Planning Department did not approve any B&B or homestay permits, so one could say, "Was there even a process available for the public to apply for," because we were denying everything. I feel kind of torn in a sense that we have had that process available for these on agriculture lands and constantly being told that there is a process and for them to wait from 2001 until they got their cease and desist that now they are illegal. It is difficult for them to understand and it is difficult for me as well, when you have been paying your TAT, GET, and not have a true process that you believe should have been there. It is a difficult decision. Do you enter the part where you try and put language in to grandfather and then does that open up floodgates? Again, my reliance is that we have a better management team in the Planning Department now. We have Ka'aina and Mike Dahilig. I have a lot more confidence in them then the management that was there in 2008. I need to place my reliance...I cannot be a micro-manager. I need to place my reliance that they are going to try and tackle this problem and not allow the legislative side to make a decision that could end up with a recreation of Hanalei and Hā'ena. With that, it is not an easy decision. I think we all need to be open-minded. We need to look for an amicable solution that will not spread into the future. Thank you.

Councilmember Hooser: I want to echo to some extent what Councilmember Kagawa said. I think it is unfortunate that an industry that is relatively benign has been swept into the entire demonization of the transient vacation rental debate. I say "relatively benign" because there has been very few actual complaints. We heard one today and it is my understanding, and I have yet to get good numbers, but it is my understanding that there are just a hand full of these operators and not hundreds of them. I think as we move forward I would like to see this Council recognize that there are a hand full, twenty (20) people, who were in good faith operated for a number of years without complaints, pay their taxes, try to get permits, and were told, "Not now. Come back later." We should move toward establishing a fair process that would grandfather the small group in. Let the group who spent money...they have stepped, they are public about it, they are trying to follow the law, they are not hiding in the bushes, and it is a small number. If we can work together, we can craft it so there are no flood gates open. It is very narrow and only to a small group, again, who have operated in good faith over the years without complaints and have stepped forward publicly trying to comply with the law. I hope that we can move in that direction. To do something that is fair, when you compare it to how TVRs were treated, I think we need to be fair with this group. It is not hundreds, but just a relatively small amount. Thank you.

Councilmember Yukimura: I appreciate what Councilmember Hooser has articulated and I think we should look for something that does limit dramatically, but gives some fairness to those who have been operating legitimately. My big question is how is the Planning Department going to enforce against the Airbnbs and how does this set of regulations address that? If in fact it does or it does not, what is the enforcement mechanism against these operations that basically just rent out rooms? To let those happen and not let the long-term people who have been trying to follow the law and not happen, does not seem fair at all. I do hope that we are going to have that discussion in the Committee Meeting about what our overall regulatory process is going to be for non-conventional visitor operations. There is a real need to be fair here and we have to figure out how to do that.

Councilmember Kualii: I just wanted to say that in the very beginning, in Ordinance No. 864, which was addressing vacation rentals. There are some language in there stating, "Homestays are presently regulated through the use permit process." If we are going to look at trying to be fair and equitable and treat any bed and breakfasts who were doing everything they were supposed to do; jumping through all of the hoops, getting all of the permits, and paying all of their taxes. We also have to look at if they are in an agricultural area or a residential area. I like the comment that was made about a residential area that is highly a commercial area because that seems to make a little bit of sense too, possibly. Look at Kōloa Town and all of the restaurants and shops. Maybe there were some few units right up against that commercial area. If that twenty (20) or so, the few, that we are saying that were operating in good faith, and I want to see what that means, as far as operating in good faith and operating legitimately. I am hopeful that the Planning Department can show us that. I do not like the term "grandfathering," but I do think that if some were allowed and some were not, as far as B&Bs, based on the process of Planning then it needs to be fair and equitable. Everybody needs to be treated the same way, B&B operators, and I am interested to know about this concern of the definition and where Planning sees that it all fits under "homestay."

Councilmember Yukimura: One of the questions that remains in my mind is Ordinance No. 864 which states, "Homestays are presently regulated through the

use permit process,” so when homestay applicants went to the Planning Department, were they told, “You have to go through a special use permit process,” because that would have been the responsibility of the Planning Department to know the law and to tell people to do that. That is one of the questions that seems very relevant. The other question is if we allow standalone TVRs in agricultural land, how is it that we do not allow B&B on agricultural lands?

Council Chair Rapozo: This is going to be a process that will involve many hours. Councilmember Kagawa talked about being open-minded. I will say that the prior Council's that dealt with the TVR issue...I participated in a lot of that and I did not support a lot of that, but it passed. In fact, when Councilmember Yukimura and I left the Council for that two (2) year break, it even got worst. I will say that the Planning Department, the Council, and the Administration all relied on faith; the blind faith that this was going to work out. Partly because they were given, what I would call and this is just my opinion, “bad legal advice” from our County Attorney's Office. The pressures from the industry, and I know this because I lived it—the numerous phone calls, the ugly E-mails, the threats of all kinds of things. That filtered right through the County Attorney's Office and then the attorneys came up with these opinions that really made no sense, in my opinion. Council acted based on certain parts of the legal advice. Now as Councilmember Kagawa said, he has the ultimate confidence in the Administration and the Planning Department today, which I share that confidence. I will tell you though that there was a resolution to do an audit from this Council that got them off their *okole* and said, “We better do something.” To Michael Dahilig's credit, he came to this Council and exposed what the shortcomings were from that department and began the process of fixing it. Now, it is taking a while, but he is on the right track, in my opinion. We talked about Airbnb. “Airbnb” is the bad word. “Airbnb” is a business that advertises or allows people to put their room up online so others can rent. You cannot go after Airbnb and not go after Expedia, Hotwire, and VRBO because they are all the same thing. They are promoting rooms on Kaua'i. They are promoting accommodations. Trust me, I do not support that. Look at Airbnb and see what they are posting.

Nonetheless, you cannot just go after Airbnb; you have to go after all the rest. The question is how do we regulate that? Some of these companies are not even registered to do business in Hawai'i and I just heard that, so we are researching that today. One of the biggest problems I have and grandfathering is beyond our control. It is a Constitutional Right. If you were operating legally prior to a law being passed, then you obviously are required to be grandfathered in. If you were not, then you are not. That is the law and guiding principle that we must follow. Now Councilmember Kualii brings up a really good point, including Councilmember Yukimura that if people went up to the Planning Department and say that “I want to apply for a B&B permit,” and they said, “No worry. No need. Hang on, we are working on something.” I have yet to see proof of that, but if in fact that occurred, then I would bet that they have a claim against this County and that is something that we are going to have to deal with on an individual case by case basis once we get this discussion moving. I will tell you what bothers me the most about all of it. It bothered me back when we went through the TVR discussion and it is bothering me today. The TVR law, B&B law, or whatever law—when the local residents out here that had property on agricultural land, that had property that they wanted to build a TVR and were told that you cannot – they did not. They followed the law and they did not. Then, there were a bunch of owners that did it anyway, right, they violated the law, they just did it. But because they were doing it back then, they were allowed to continue what I would call illegal activity because our law...because our attorneys said you had to. So the person that said, “I am going to be a law abiding citizen,” got screwed and they

can never ever enjoy that benefit of a vacation rental or TVR. That bugs me today. We, this Council, the Councils back then allowed a very unfair process to occur for the people that were living here for a long, long time because they followed the law. They chose to follow the law and then they got denied the opportunities. That is bugging me today and it will bug me throughout these discussions and is one that we are going to have to come up and talk about. I look for a very lively and animated debate, but at the end of the day, I share...everyone on this table shares that it has to be a fair process. If this County denied landowners on this island the opportunity because of whatever the case was, then we need to make that right as well. With that, thank you very much. The motion is to receive. We will have the related Bill come up later today. We are going to be here until midnight, but what the heck?

The motion to receive C 2016-55 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Ms. Tanigawa: Chair would you like to put C 2016-56 as well as C 2016-58 at a later time, because we need to go into Executive Session prior voting for the items.

Council Chair Rapozo: Yes, we will move C 2016-56 and C 2016-58 to the later part of the agenda. Just for the audience, these are for authorization for special counsel on a civil lawsuit that we have to go into Executive Session first, so we are not trying to run away. We will do those items after Executive Session.

There being no objections, C 2016-59 was taken out of order.

C 2016-59 Communication (03/03/2016) from Councilmember Yukimura, transmitting for Council consideration, a proposal to amend the County fuel tax rates as follows:

- Effective January 1, 2017, an additional fifteen cents (15¢) per gallon of liquid fuel and an additional ten cents (10¢) per gallon of biodiesel.
- Effective July 1, 2026, the fuel tax shall be decreased by fifteen cents (15¢) per gallon of liquid fuel and decreased by five cents (5¢) per gallon of biodiesel.

Ms. Fountain-Tanigawa: Council Chair, we have registered speakers who would like to testify on this item.

Councilmember Kaneshiro moved to receive C 2016-59 for the record, seconded by Councilmember Kualii.

Council Chair Rapozo: With that, I am going to exercise the same rule that testifying on this communication will apply to the relating Bill and Resolution as well. Otherwise, we will be here until midnight. There will be many more opportunities to testify at the Public Hearing, Committee, and ultimately at the Council. If you want to testify on this matter, then you will not be allowed to testify on the Bill or Resolution. With that, Councilmember Yukimura.

Councilmember Yukimura: Yes, I just wanted to explain that the next three (3) communications deal with three (3) different bills that I have proposed as one (1) package. It is in response to the Mayor's proposal to do a half percent (0.50%) excise tax to fund road repair, bus expansion, new roads, automotive shop, and all of that. Instead, my proposal would focus on what I think are the three (3) top priorities of the County, which is road repair, expansion of public transit, and addressing road congestion.

Council Chair Rapozo: Councilmember Yukimura, did you want me to...

Councilmember Yukimura: I am just...

Council Chair Rapozo: No, I am going to allow you, I just wanted to make sure...because you are talking about the three (3), did you want to take the two (2) items now so that you can have a complete discussion and not separate the fuel with the general excise tax?

Councilmember Yukimura: That is fine. If you wish.

Council Chair Rapozo: Then you will have the latitude to discuss all, as a package, as opposed to me having to interrupt you and say, "That is not on the agenda."

Councilmember Yukimura: Okay.

Council Chair Rapozo: This way, you will have the latitude to discuss all three (3) proposals at the same time.

Councilmember Yukimura: That is fine with me and I do not have that more to say. I just wanted people to know that they are all related and they are organized around priorities because the Mayor just had everything in this half percent tax, which is extremely aggressive. I am really trying to focus it on what I feel are priorities. Now, if people do not feel these are our priorities, they should feel free to say so. Thank you.

Council Chair Rapozo: With that, any other discussion before we call for some public testimony?

Councilmember Hooser: The public testimony will be similarly grouped, all three (3) of these will be testified at one (1) time rather than three (3) separate times?

Council Chair Rapozo: Correct.

Councilmember Yukimura: People will just need to tell us which bill they are testifying on, if they are only testifying on one.

Council Chair Rapozo: Right now we have one (1) item and it is C 2016-59. We are going to take this first. I thought Councilmember Yukimura was going to do a presentation, but at this time, she is not. So I am just going to take C 2016-59, which is the Resolution No. 2016-32 and Proposed Draft Bill (No. 2620). Those two (2) will be now and then I will call C 2016-60 right after that and that will be for the GET. Anymore discussion?

There being no objections, the rules were suspended.

Ms. Fountain-Tanigawa: First registered speaker is Glenn Mickens, followed by Matthew Bernabe.

Council Chair Rapozo: Based on the testimonies and the discussions that I have read, I am going to ask everyone to be polite, professional, and to direct all the comments to the Chair and not individual Councilmembers.

Mr. Mickens: For the record, Glenn Mickens. These communications, C 2016-59, C 2016-60, and C 2016-61 and Proposed Draft Bills (Nos. 2620, 2621, and 2622) basically are all, for me, the same things. These communications and bills requesting more fuel tax, excise tax, and weight tax are totally unacceptable to the already overtaxed citizens of Kaua'i. How much more blood money does any supporter of these tax increases think they can get out of people who are working two (2) and three (3) jobs just to survive? As the pragmatic members of this Council have pointed out, these proposed tax increase are regressive and hurt our lowest class of people the hardest. People with money can care less that the fuel tax goes two dollars (\$2) a gallon, as they can afford it, but the contractors or workers who use their vehicles for a livelihood will either pass the added cost along to their customers or burry themselves in more debt. Where will the money come from to fix and repave our terrible roads and solve our traffic problems? Citizens, including myself, have offered solutions, but no one seems to be listening. We go after the waste in our system by hiring an experienced county manager who has gone through this before by the Administration's own numbers, we are taking over ten million dollars (\$10,000,000) a year in fuel and weight taxes that should be going to road maintenance. But since we are only spending one point five to two point five million dollars (\$1,500,000 - \$2,500,000) a year for our roads, it means that eighty percent (80%) of these funds are being used for non-designated purposes. This is only a fraction of the waste that permeates the way our government is being run. If we hire a manager and eliminate the waste, then the wasteful practices are going on, we will have sufficient funds to keep from raising taxes or even better, lower them. Again, you members should get the Mayor and his department heads in here and let them show you what, if anything, has been done to address the measures that our late-Auditor Ernie Pasion's audits have uncovered. We spent a lot of tax money to get the fine work that Ernie did, so why are we not using it? In my testimony last week, I expanded more on these issues and urge you to please carefully read it again. As I said before, if you have any disagreement about what I said, please have the curtesy to tell me what it is. I think you, Council Chair Rapozo, tried to get some communication from what my past testimony was and send me copies or at least address it and at least have somebody say that they agree or disagree with me. To keep on making these statements and sit here, am I really talking to anybody or am I talking to the wall? Nothing ever comes back about them. In my mind, I feel like I am making some valid comments, but I hear nothing back. If you can get any answers to these things, I would really appreciate it. Thank you.

Council Chair Rapozo: Thank you, Mr. Mickens.

MATTHEW BERNABE: I would like to start with a little bit of math. We are going to use three dollars (\$3) as the base for this example. Point five percent (.5%) of three dollars (\$3) equals one and a half cents (\$1.50). Point two five percent (.25%) of three dollars (\$3) equals three-fourths of a cent (.0075¢). Fifteen cents (.15¢) on a gallon and that is why I went with three dollars (\$3), because that is about a fair price that we could say a gallon of gas costs. For every gallon of gas, you are proposing fifteen cents (.15¢). Now, one could make the argument that, "You are only going to put x amount of gallons versus purchasing all over all of your things," but here is the problem with that logic. I cannot afford, with my busy schedule, to put less gas or do less mileage, but I can afford to cut out a bag of potato chips and cookies. I can cut things out of my everyday life if the GET tax passes, which we just demonstrated is

not that much, in the sense of per three dollars (\$3). My Ford takes about thirty (30) gallons and we fill that up, maybe twice a week. My Toyota, twenty (20) plus gallons. But the way that this is constructed is we are not even exempt from the point two five percent (.25%) under what they are proposing. All so that we can subsidize more bus riders under the “good faith” as we just heard a minute ago under another agenda item that it will work. That good faith is not going to pan out. One of your best routes is the Kapahi shuttle. If it is your best route, why is the congestion over in that region still bad? I have a problem with going to a gas tax because it is not fair. At least a GET tax would be fair across the board and it would include more spending from tourist. I think the Council should adopt a point two five percent (.25%) straight out with no other things and make them put it to roads because as I have also argued, they are not allocating the money well. They are not using the money created well. If I keep giving one hundred dollars (\$100) to gambling or my methamphetamine (meth) addict son to get a gallon of milk for the next three (3) weeks, he will not budget that hundred dollars (\$100) well. We need better proof that they are going to use this money well. Let us give them point two five percent (.25%), generate some of the revenue and let them fix what they need to fix and demonstrate...I will come back. They can do due process.

NORMA DOCTOR SPARKS: Good afternoon. I want to say first of all that I get it, we need better streets, roads, and bridges, and driving from Kōloa through the “Tunnel of Trees” and going through those potholes and then hitting the highway on the newly paved road is like flying – it is so beautiful. I do know that we need to get those things fixed. I also appreciate that the Council is trying to figure out different ways that we can fund the repair and maintenance of the roads, but I am concerned about the different proposals. I am concerned about when, in fact, it may go into effect. The dates are essentially going to overlap. I like the idea that we have a coordinating and comprehensive plan along with the discussion on the GET, but we should not be taxed more than what is really needed to fund the public transportation needs on Kaua‘i. There have been discussion all over the place about increased cost to us, in terms of the increasing the cost of the gasoline would also impact, again, those who lest can afford it. Because cars with alternate engines or hybrids, such as electric cars cost a premium and I would argue that they are basically out of their reach of most of the people on Kaua‘i. What I was really concerned about is that when I reviewed the County’s Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending June 30, 2015, I found that the revenues and expenditures show that the Highway Fund revenues exceeded expenditures by more than two million dollars (\$2,000,000). It was discussed earlier that the funds were not really being allocated. What I actually found is that the items that were budgeted or the amounts that were budgeted were actually not spent. I am concerned that if we have twenty million dollars (\$20,000,000) for this fund. Will the County be able to handle twenty million dollars (\$20,000,000) and to actually implement the budgetary projects so that they will come to fruition within that year? As I think about it, let us say it is twenty million dollars (\$20,000,000) every year for ten (10) years...if there are already sitting in the fund two million dollars (\$2,000,000) as of June, I am not convinced that the County really understands what they are doing at this point in terms of funding transportation and infrastructure needs. I would like to ask the Council to ask the Administration to really get an idea about exactly what is budgeted, expended, and what is left over. Thank you very much.

Councilmember Yukimura: Council Chair, I just have to correct an error that this Bill is going to generate twenty million dollars (\$20,000,000).

Ms. Sparks:

That was just a number I am giving.

Councilmember Yukimura: With the vehicle weight tax, we will generate eight point two million dollars (\$8,200,000) a year.

Mr. Angelo: My name is Wyatt Angelo. There were a series of questions that pop into my mind that really have not been answered and maybe the Council will address those, but the majority of our congestion issues right now are apparently a State problem. I think that has been well pointed out this morning. To the extent that we are going to raise taxes or it is being considered, how is that going to alleviate the traffic problems if, in fact, that is a State issue? The other thing I pose to you as a question is if we are going to expand the public transportation system, the bus system, to try to alleviate that congestion and make it more assessable, do we have anything to indicate to us how many additional riders that we will carry as a result of expanding the system and how much they are going to be willing to pay to do that? I recognize now that the County subsidizes the transportation system by looking at the County's budget, but do we know what the County is going to be required to subsidize it in the future if, in fact, we do expand the system? That will probably take a larger portion of the County budget because I suspect that what we are talking about here is maintaining the same kind of fair basis and probably not necessarily the increased ridership. At any rate, that is certainly a consideration for the County for the future. If you are considering a tax increase of this proportion, I am going to suggest that the Council consider referring it to the voters. This requires really selling the merits of the plan to the people who are going to pay for it. It recognizes too that you as the County Council are not going to be here for a long period of time that those taxes are going to be imposed, so it would be nice to have the public support for that. My last question to you would be, is there another "alligator lurking out there somewhere in the swamp" that requires the benefits of your taxing authority more? Whether it be sewer infrastructure required by the federal government to be improved, or whether it be unfunded pension mandates or something along those lines. I think you have to consider those in light of what you are considering doing with respect to tax increase. Thank you.

Council Chair Rapozo: Anyone else wishing to speak for the first time? Again, I am going to ask that if you want to testify, please sign up on the sign-up sheet. Yes, but, Mr. Taylor, you need to turn it in. It just makes the process go quicker.

Mr. Hart: I think the focus should be on what this requested tax increase is supposed to do. From a position of the public, we want it to fit traffic congestion. Yes, we know that the roads are in terrible condition and they need to be repaired. On one hand, I am for repairing the roads, but not increasing taxes unless the main objective of that increase is to address traffic congestion. I think that has to become very clear to the public. Again, we have the problem that I stated this morning that we are talking County and the Mayor's request is County, but the traffic congestion problem is State. I want to hold this up again. This is the TAT, the transient accommodation tax; this is the presentation that was made many years ago. This is not a new problem. That is where my focus is and I would like it to be this Council's focus. Let us go after the TAT. No more taxes. No gas increase, weight increase, and no increases for roads until we address congestion. Thank you.

Council Chair Rapozo: Thank you.

Mr. Taylor: I am certainly adamant against any new taxes. I certainly know that our roads are in bad condition and the bus system could

be improved, but none of this is going to relieve congestion and that is the most important thing to get across to the people and the community. None of this will address congestion. A lot of us drink a cup of coffee every morning and one eight ounce cup of coffee can run anywhere from a dollar (\$1) to two dollars (\$2) and seventy-five cents (\$2.75) per cup. In a gallon, there are sixteen (16) cups. Sixteen at two dollars and seventy-five cents (\$2.75) is forty-four dollars (\$44) per gallon. I bought gas the other day at Costco for two dollars and thirty-four cents (\$2.34) per gallon. I think we all know that gas and oil is finite – I think we all know that coffee beans are renewable. Why would we pay so much for a cup of coffee and so little for gas, and then complain about the high price of gas and oil? If we are going to put a tax in place to fix the roads, et cetera, I think it should be a gas tax. There are other benefits, too. If few people use less fuel, it is good for the air quality, et cetera. Again, I am very disturbed that the State takes our TAT tax that comes from the tourist, then throws us a bone which we are to be happy with to tax the residents. Does not make good sense to me. None of this again is going to solve the congestion problems on this island. Things that need to be done, but not going to solve congestion. Make sure that whatever you go forward with eliminates the comment that it is going to solve congestion. Be fair and honest with the people. Thank you.

Councilmember Yukimura: I have a question. Mr. Taylor, you said you want a gas tax. Are you for or against this Bill? This Bill increases the gas tax fifteen cents (15¢).

Mr. Taylor: That is not enough. If you are going to go that route, that is not enough.

Councilmember Yukimura: So, I just want to know if you are for or against this Bill.

Mr. Taylor: Not the way it is written.

Council Chair Rapozo: Okay.

Mr. Rosa: For the record, Joe Rosa. The first thing the gasoline price drops, you want to slap the thing up again. Give the people a break. When I purchased my first car, I paid just forty cents (40¢) a gallon and I think I will never see it again because as soon as it gets dropped down, boom, raise the tax. Give the people a break. We do not get the type of raises other people make. Retirees and middle-class people are up to their necks with taxes. Pretty soon we are going to say, "Do not raise no more taxes because we cannot breathe anymore." I am serious about this. I heard complaints out here from the middle-class people and I consider myself a middle-class person. The money for the roads, when I hear the Mayor say, it is not the State highway roads, but the bulk of the people use it. Tell the people that we have to fix our County roads, but stay away from those things that are not priority like the so-called bike path. It never eased the problems in that Waipouli-Kapa'a area. People came up here and say that it is going to ease the traffic situation. I never saw bicycles causing a traffic jam, it is automobiles. Stop pulling the blinds over the people's eyes. Be realistic to the fact that you have to start cutting expenses. My subdivision where I live in, it took them thirty (30) years before they repaved it. It was supposed to be paved when the bike path started, but then the bike path took everything so it took another ten (10) years before they paved it. What are your priorities? You want to raise the taxes, what are the priorities? What is going to benefit the people most on Kaua'i? The bus system is nearly blank. It is not even self-supporting and those big heavy buses are what is ruining the highways also, if

you want to consider that. Are you going to raise the bus taxes? Raise those prices up on those heavy trucks and buses. Those are the things that ruin the highways. I worked with highways. Theoretically we used to say we paved two and half inches, we can get ten (10) years of life. We were getting inch and a half prior to the two inches, but then all the trucking systems here on Kaua'i: Rego, Neilson, and whomever, those weight vehicle taxes and the Matson containers...

Council Chair Rapozo: Okay, Joe.

Mr. Rosa: Yes, they started to ruin it.

Council Chair Rapozo: Okay, Joe.

Mr. Rosa: Thank you.

Ms. Fountain-Tanigawa: Chair, no further registered speakers.

Council Chair Rapozo: Anyone else wishing to testify for the first time? Second time?

Mr. Bernabe: Matt Bernabe, for the record. For most of the things said today, I agree with many of it, much of it, I should say. But I am adamantly sticking with, we should give them less in a form of a GET to fix the roads, congestion, potholes, whatever they are going to do, but let us not give them so much. Let us give them enough that they can function and then if you want to work on money raising for the transportation, let us raise the fare. Not once in these proposals are any language about a price hike. We sit here and we want to talk about the folks like me picking up the bill. I own two (2) vehicles...I used to own more, but I had to reduce it because the prices went up. I own a home, I pay real property tax, I have a tax license with the State. My wife works, we purchase a lot of things, and I have to be honest, I will probably pay more with the amount of things that I buy – I buy a lot of things. I might be the one very affected by this half percent or point two five percent (0.25%), but it is much fairer to have it like that, as far as where I am sitting, then to make the argument that we have to pick up the bill. They want to propose a point two five percent (0.25%) and the gas tax, no. Point two five percent (0.25%) and raise the price on the bus. Let us see if those people advocating for this plan are that willing to say, "Okay, point two five percent (0.25%) for repair our roads and a dollar quarter (\$1.25) for bus improvements and route expansion." I have to be honest when our road department is wasting time looking to fix Rice Street that is only twelve (12) years old and we went to four (4) lanes, and they applied only eight (8) years after the creation because it has only been four (4) years, right—I do not trust them. The plan for the half percent (0.5%) over the ten (10) years was twenty million dollars (\$20,000,000) from what I heard. I do not trust them with that money. I rather them have ten million dollars (\$10,000,000) and show me they can use it. That is how I feel. I know we have to do something, so if you want to help me sell this to the public or even the public is going to...because they are not happy with what you folks are talking about, I can tell you that right now. I think this is the compromise – raise the bus fare a little bit and we reduce from a half of percent (0.5%) to a quarter percent (0.25%). I think you might have a winner there.

Council Chair Rapozo: Anyone else wishing to testify for the second time?

Mr. Rosa: People tell me, "If the bus is not making money, raise the bus fare." That is reasonable and logical. Then if the people do not support it that means that it cannot succeed and you cannot be taxing people for something that they are not going to use. If you are not going to ride the bus, you are not going to ride the bus. If you have a car, you are going to drive on the roads. I am being realistic to what people have talked to me about. Raise the bus fees and see how many more people you are going to get. It is only now that people who cannot drive or are old are riding the buses. To me, the bus is not a success here and if it was, we would have private bus companies around. I see that K-Mart has their own bus system. I see that Walmart hired Roberts to bring people from the hotels. You have to be realistic. We raised the tax for vehicle weight tax, gas tax, and property tax. What more? Do we have to pull another Boston Tea Party against the taxes of government? Enough is enough. Our Mayor, sure, he wants to live the way he wants to live, but what about the other people? Cut down his staff. He has fifty-three (53) members in his cabinet. Why so much? Three (3) public information officers and some of them are not even qualified. I do not know how we can hire engineers without a license and without the knowledge of the position. All that I see are "no-no's." That is why we are spending so much money foolishly. I do not see the bus after ten (10) years or so and is still not being self-supporting. It is just like our Kaua'i Marathon. Thank you.

Mr. Mickens: Glenn Mickens. The major thing here is one thing in this issue—find the waste. Before we raise taxes one penny, find out where we can go and get a hold of the waste. I brought up again over and over we are getting in ten million dollars to twelve million dollars (\$10,000,000 - \$ 12,000,000) a year from our gas and weight taxes, I presume that is. And we are spending where it is supposed to go, on the roads, but it is not going there. Where is it going? Many other different places, but not to where it is specified. If you want to get money from someplace, make sure it is in a lockbox so it does not get shuffled off to where it is not supposed to go. If there are so many other areas, Mr. Rosa pointed out that we are overstaffed in a lot of places, whether it is in the Administration. Not here, you have a bunch of good people working here. I really appreciate what this staff does. When I call on the phone, they give us answers or find something for us and I really appreciate it, but if we eliminate the waste, I would say that we will not have to raise our taxes. Thank you.

Mr. Hart: For the record, Bruce Hart. I do not think that any of us are against repairing the roads, but I suspect that some of these funds are going to be directed at creating new roads. One of them that I heard about, because I live in the Houselots, is they want to create a new road across the pasture lands connecting the bypass to the Houselots. I think it is important if I can get across to the public and the Council is that what we are going to end up doing is using these funds to correct the State's problem. The problem for congestion is the State. We need to put pressure on the State. We do not need to be...I appreciate proactive thinking and trying to solve the problem, but the State needs to fix their roads. They are the ones that the congestion is being caused by and I do not want taxed money from the county going to fix their problem. I think the pressure has to be put on the state to fix the traffic congestion and then come to the public for an increase in tax to repair our roads. Thank you.

Mr. Taylor: Chair and Members of the Council, Ken Taylor. First, I think if you would be fair to the community and tell us where the gas tax is currently going, six million dollars to ten million dollars (\$6,000,000 - \$10,000,000) a year being collected and only two million dollars (\$2,000,000) being

spent – something is wrong there. I want to show you a little chart that I got back in the early 1970s when I bought a time clock for my business. What this shows is what five minute loss per employee per day cost based on an eight hour day, five days a week, two hundred and fifty-five (255) working days per year. Overhead cost taking equal to an hourly rate. On this side has the hourly rate and across the top, the number of employees. This chart does not go to the numbers that we deal with here at the County, but you can multiply it out. At five dollars (\$5) an hour with five hundred (500) employees at five (5) minute loss, equals a hundred six thousand two hundred forty-six dollars (\$106,246) a day loss. Five minutes. I would be willing to bet that you cannot have any employee go through the day that has not lost at least five (5) minutes. More realistic is probably pushing half an hour, for good employees. Others are even higher. But if you multiply just the five dollars (\$5) an hour rate to twenty dollars (\$20) an hour for five hundred (500) employees, round numbers of four hundred twenty-five dollars (\$425) a day loss, and we have fifteen hundred (1,500) employees at the County. There is a lot of money out there that can be recouped if we get a little more efficient. I think there is where you have to go before you start raising taxes, period. I think those numbers are simple and straightforward. Five (5) minutes, twenty dollars (\$20) an hour, four hundred twenty-five thousand dollars (\$425,000) a day lost, five (5) minutes. Become efficient and then see how much money we have to spend? Thank you.

Council Chair Rapozo: Thank you. Any other people wishing to testify on this matter? If not, I will call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: Yes, can I put up a photo?

Council Chair Rapozo: We are coming up on a lunch break.

Councilmember Yukimura: Right. It sounds like everyone agrees that addressing congestion is important, but do not see how the comprehensive plan addresses congestion. This photo is graphic demonstration of how mode shift, shifting from single-occupancy vehicles to the bus, biking, or to walking frees up capacity of our roads. When we are talking about new roads or expanding roads, we are talking about increasing capacity. Yes, those are ways, but they cost eighty million dollars (\$80,000,000) for two (2) miles, if you want to do that. This is another way. I am not saying that it is the only way, but it is a way to increase capacity of our roads and these are the same number of people in each section of the photo. I think it is sixty (60) people. Sixty (60) people in one (1) bus, you can see how much space that takes. Sixty (60) cars, one (1) person in each car, you can see how much space that takes and then sixty (60) bicyclists. By shifting the mode, we will do some reduction in our traffic congestion. It is not just the State's responsibility. We run the bus system and we have a plan to expand the bus service by a thousand percent (1,000%) over twenty (20) years, but in order to do that we need moneys to expand our bus system. By expanding it, it means our buses come every half-hour instead of every hour, and on weekends it comes at least once an hour instead of every two (2) hours. It makes it more functional and more people can ride it. That is how you address congestion. My increase in vehicle weight taxes and fuel taxes are to address road repairs. It has been said on the floor that the bus is not successful because it is not paying for itself. Well, roads are not successful because they are not paying for themselves. They are not self-supporting. How much are we subsidizing roads? By a hundred million dollars (\$100,000,000). We have not repaired our roads and that is the bill for not paying to fix our roads on an ongoing basis. The bus, on the other

hand, has a goal in our multi-modal plan that we increase the percentage of operating cost that are paid for by bus riders. That is why we have been increasing the bus fares, about every two (2) years. That is what we did not do with our vehicle weight taxes or we waited for thirty (30) years and then raised it. It is hard on people when we take...if we raise it two cents (.2¢) a year, it will be much easier. Right now gas is two dollars and thirty-four cents (\$2.34) a gallon at Costco. It was four dollars and thirty-eight cents (\$4.38) in 2014. Therefore, we are saving about a dollar eighty cents (\$1.80) a gallon right now. Why do we not put a few cents more to pay for our road repair instead of the fuel prices go up again and we are giving it to Saudi Arabia. We are giving money to Saudi Arabia instead of putting it to repairing our roads. If we do not repair our roads, we are going to pay for it in fixing our cars. Those are our choices. We have to do something to fix our roads.

Council Chair Rapozo: With that, we will take a lunch break.

There being no objections, the Council recessed at 12:35 p.m.

The meeting was called back to order at 1:42 p.m., and proceeded as follows:

Council Chair Rapozo: We are on item C 2016-59. Were there any other Councilmembers that wanted to make some comments before we move on? If not, the bills will be coming up later and I will reserve my comments for then. At this point, we are on the communication, C 2016-59.

The motion to receive C 2016-59 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Council Chair Rapozo: Next item.

C 2016-60 Communication (03/03/2016) from Councilmember Yukimura, transmitting for Council consideration, proposed amendments to establish a one-quarter percent (0.25%) surcharge on the State General Excise and Use Tax for the County of Kaua'i: Councilmember Kagawa moved to receive C 2016-60 for the record, seconded by Councilmember Kualii.

Council Chair Rapozo: Discussion? Public testimony?

Councilmember Yukimura: I know that this Bill is similar to the one that is pending before us, but I would really ask that we allow it to go to public hearing because people have not been able to testify on an excise tax that would be earmarked for the bus. If they came to testify for the half percent, it was for everything. I think there are people who would like it earmarked for the bus and so if we could at least let it go to public hearing, that would get all of the input that we need. We will have, like we did with the tax cap, two (2) bills before us and wherever the majority falls, it will fall, but this would enable us to receive input from the community. The excise tax is a regressive tax, but the bus riders I have talked to are willing to make the sacrifice because they know we need the bus services and we need to be able to hear that and they would not be able to testify on that unless we have the bill that says that. The one we have before us is to pay for everything. It does not give us the kind of input we need to know in terms of what the public feeling is. At least let it go to the public hearing, please.

Council Chair Rapozo: Any other discussion? Any public testimony?
Seeing none.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2016-60 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

C 2016-61 Communication (03/03/2016) from Councilmember Yukimura, transmitting for Council consideration, a Proposed Draft Bill to amend Section 5-2.3, Kaua'i County Code 1987, as amended, to increase the motor vehicle weight tax for all motor vehicles by \$0.0138: Councilmember Kualii moved to receive C 2016-61 for the record, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion? Any public testimony?

Councilmember Yukimura: I would like some explanation of why we want to kill this bill on first reading and not go to a public hearing on it.

Councilmember Kagawa: This is just the communication.

Councilmember Yukimura: Oh, okay.

Council Chair Rapozo: We are voting on the communication.

Councilmember Yukimura: If somebody will just correct me right away, I am sorry.

Council Chair Rapozo: Okay, I will suspend the rules, Mr. Taylor. The Proposed Draft Bill (No. 2622) that relates to this communication, so should you choose to testify on the communication, your comments will be carried over to the Bill and you will not be allowed to testify later.

There being no objections, the rules were suspended.

Mr. Taylor: Chair and Members of the Council, Ken Taylor. A few facts that we should know is that in Portland, the poster city for light-rail had an increase of twenty thousand (20,000) transit commuters during the census period of 1990-2000. That is twenty (20,000) transit commuters during that period, which everyone has applauded. It had a spectacular performance; however, it also had an increase of one hundred seventy-five thousand (175,000) in number of car-driving commuters. Since Portland has done little or nothing about increasing the road space, having spent the money on light-rail, the results was one of the worst increases in traffic congestion in the nation. Yet its public officials still gloat over the ridership increase. We are not reinventing the wheel here. We see these kinds of issues from all over the Country. We do not need to continue down this road that is not going to address the congestion on this island. These numbers and pictures that were shown before lunch are completely out of line because even in an earlier communication from Councilmember Yukimura was that thirty percent (30%) of the ridership on the new bus system would be from people that do not have vehicles and that is why we need the bus system. How does that address congestion? If we are going to pass any of these taxes, as I said earlier, first, show us what the County is doing to be more efficient and where the money is going currently. That is the first

thing that needs to happen. Second, show us a community that has solved their congestion problems by increasing their public transportation, then and only then, should you consider raising the taxes. Thank you.

Council Chair Rapozo: Thank you. My job as Chair is to make sure everybody sticks to what the topic is about. The two (2) bills that we have discussed so far, except the GET increase that Councilmember Yukimura had proposed a quarter percent for public transportation, the fuel and the weight taxes, if you read the bill has absolutely nothing to do with transportation. It is due to the backlog of road repairs. That is what those two (2) bills address. I want to make sure that public understands that it does not relate to the increase or enhancement of the transportation system. It is specific to road repair. With that, next speaker.

SCOTT K. SATO, Deputy County Clerk: We have no registered speakers.

Council Chair Rapozo: Who wants to testify? I give the people latitude to say what they want, but I want to make sure everybody understands and for the public watching that this increases are specifically designated for road repair and not bus or transportation. Anyone else wishing to testify?

Ms. Punohu: Can I just clarify, if I testify now, will the bill come up later?

Council Chair Rapozo: Correct, and you will not be able to testify at the bill. We are taking the public testimony on the communication and the bill at the same time.

Ms. Punohu: Okay, then I would like to wait.

Council Chair Rapozo: Okay. Anyone else wishing to testify for the first time? Second time?

Mr. Taylor: Chair and Members of the Council, Ken Taylor. I just want to say that we all know and realize that the roads need to be repaired and the backlog is there and it is unfortunate that the Administration has allowed things to deteriorate the way the roads have. I ask you to please show the community and myself where the gas tax dollars have been going. Since we are collecting considerably more than it is being spent a year, where is it going? I think it is only fair to the community that you are asking to pay more taxes to show first where those tax dollars are going, then and only then, raise the taxes. If you can show that there is a legitimate use of the money that is currently being collected. Six million dollars to ten million dollars (\$6,000,000 - \$10,000,000) a year being collected and two million dollars (\$2,000,000) a year being spent on roadwork. Something is totally wrong with those numbers. The community has every right to know and understand where that money is going and why it is not being used for road repair. Again, I showed earlier what a five (5) minute loss creates—four hundred twenty-five thousand dollars (\$425,000) a day. I am sure that with a little bit of effort, the Administration can tie up the loose ends and make things more efficient and the money could be there without having to raise the taxes. With that, thank you.

Council Chair Rapozo: Anyone else wishing to testify? If not, I will call the meeting back to order.

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion?

The motion to receive C 2016-61 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:

A report (No. CR-PS 2016-01) submitted by the Public Safety Committee, recommending that the following be Referred to the March 9, 2016 Council Meeting:

“C 2016-43 – Communication (02/10/2016) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$210,716, and approval to indemnify the State of Hawai‘i, Department of the Attorney General, for the Kaua‘i Victim of Crime Act (VOCA) Expansion Project 14-VA-3 for the period of July 1, 2016 through June 30, 2017,”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Kualī‘i.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

A report (No. CR-PS 2016-02) submitted by the Public Safety Committee, recommending that the following be Received for the Record:

“PS 2016-01 – Communication (02/18/2016) from Council Chair Rapozo, requesting the presence of the Fire Chief, to provide a briefing on the recent rescues that took place in Kalalau Valley and the reasons as to why the County is not charging for the recovery of rescue expenses as outlined in Ordinance No. 991,”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Kualī‘i.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

PLANNING COMMITTEE:

A report (No. CR-PL 2016-01) submitted by the Planning Committee, recommending that the following be Received for the Record:

“PL 2016-01 Communication (02/01/2016) from Council Chair Rapozo, requesting agenda time for Coco Palms Hui LLC to provide a status report regarding their progress to rebuild the former Coco Palms Hotel,”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Kagawa.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

Ms. Punohu: *Aloha.* My name is Anne Punohu. After watching the testimony of this group in front of the Planning Commission on TVR did not attend. I find that their behavior on how they are doing their business operation is disingenuous. I feel that they will not comply with what they say they are going to do and I believe that we will be holding yet another situation where we have property flipping or an attempt of it and nothing coming. They were richly wining about how they did not get their way, as many developers before them have done. We have seen it many times that it would somehow jeopardize their funding and if we just gave them another exemption, extension, and graciousness of our hand, that all would be well. We have seen it how many times. You know the old saying, “One is fine, twice is fine, but three times – no.” I am a proportionate of condemning the property, turning it over to the people to a nonprofit corporation, and having a museum there and public access for all cultural practitioners, not just some. I have put forward many plans over the years and begged for eminent domain. I think that is where we are headed because I do not feel that that group is capable, especially on the funding side, because they have said something that their CEO of the company had a heart attack and could not follow through with some funding source. Excuse after excuse. I as a member of the general public has no faith that anything will happen with Coco Palms on any timeframe that is imposed upon any of these developers and it is time to step forward with condemnation on eminent domain and stop this cycle.

Council Chair Rapozo: Thank you. Anyone else wishing to testify on the minutes? If not.

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

RESOLUTIONS:

Resolution No. 2016-27 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Catherine A. Adams*):

Councilmember Kuali'i moved for adoption of Resolution No. 2016-27, seconded by Councilmember Yukimura.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for adoption of Resolution No 2016-27 was the put, and carried by the following vote:

FOR ADOPTION:	Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Yukimura, Rapozo	TOTAL – 6*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of County of Kaua'i, Councilmember Hooser was noted as silent, but shall be recorded as an affirmative for the motion.)*

Resolution No. 2016-28 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*William F. Gibson*): Councilmember Kuali'i moved for adoption of Resolution No. 2016-28, seconded by Councilmember Yukimura.

Council Chair Rapozo: Discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for adoption of Resolution No 2016-28 was the put, and carried by the following vote:

FOR ADOPTION:	Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Yukimura, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: We are going to take a recess from the agenda to do a certificate presentation.

There being no objections, the Council recessed at 1:57 p.m.

The meeting was called back to order at 2:13 p.m., and proceeded as follows:

Resolution No. 2016-29 – RESOLUTION AUTHORIZING THE FILING OF THE KAUA'I COUNTY 2016 ACTION PLAN (HOME INVESTMENT PARTNERSHIPS PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED

Council Chair Rapozo: The Housing Agency will be conducting a public hearing on this item as required. Do we have a date on the public hearing?

Mr. Sato: Yes, the public hearing to receive citizen comment will be held at 4:30 p.m. on March 17, 2016 at the Līhu'e Civic Center, Pi'ikoi Building, Conference Room B.

Council Chair Rapozo: Public testimony will be taken at that time. We will allow public testimony here, if anyone wishes to testify.

Mr. Sato: We have one (1) registered speaker, Anne Punohu.

Councilmember Kagawa: I have a process question.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Just for the general viewers, can somebody explain this item? I do not know who knows the most about this. Just in general what it is about and what it is doing for the people of Kaua'i.

Council Chair Rapozo: Do we have anyone here from the administration?

Mr. Sato: Per the transmittal letter, "Funding for the 2016 Action Plan is made possible by the Fiscal Year 2016 HOME allocation from the Hawai'i Housing Finance and Development Corporation (HHFDC) and from HOME program income. HOME regulations require expenditure of program income on-hand before drawing down funds from the U.S. Treasury. The result of the expending program income on-hand is that HOME funds committed to a HOME project are not fully drawn down from the U.S. Treasury upon completion. The undrawn HOME funds balance is reserved," and per the Resolution, there are specific items that the funds will be going towards.

Council Chair Rapozo: Let me explain that in layman's terms.

Councilmember Kagawa: Clear as mud.

Council Chair Rapozo: Every year Housing Urban Development, the federal government provides funding and in this case the HOME projects. Every year we basically approve a resolution with specific projects that we want funded by those moneys. As you can see in the Resolution, there are four (4) projects this year: the Koa'e Workforce Housing Development for two million two hundred fifty thousand dollars (\$2,250,000,000); 'Ele'ele Iluna Phase II – Increment "B" one million five hundred thirty-five thousand seven hundred eighty-seven hundred dollars (\$1,535,787); Tenant-Based Rental Assistance three hundred nine thousand dollars (\$309,000); and obviously the Administration of the program at a hundred and fifty

thousand dollars (\$150,000). This Resolution is a requirement to put in for the funds. Likewise, the next resolution is Housing and Community Development funds, but it is the Community Development Block Grant (CDBG), which we use those funds for certain projects and when we get to that item, I can read off the projects. Does that clarify?

Councilmember Kagawa: That does help a lot. Thank you.

Councilmember Yukimura: The projects that were read are important to providing affordable housing. We know that there is a real crisis on our island and people are having the hardest time finding housing, so to have one hundred thirty-six (136) units in the heart of Po'ipū-Kōloa for people who are in the affordable housing bracket is a huge forward movement on affordable housing. As we know, Habitat has been working out in 'Ele'ele, so that, too, is going to add to the affordable housing stock. The Tenant-Based Rental Assistance is for thirteen (13) to fifteen (15) homeless families. The proposal is to address in part the problem of homelessness, so these are important moneys.

Councilmember Kagawa: I hope that the Housing Agency will be able to answer this. For item "C," the Tenant-Based Rental Assistance for homeless families, I would hope that these moneys go to local families first rather than people that have moved here recently. I hope that we could have some kind of preference because I believe we should take care of our families that have lived here all of their lives first before we take care of homeless families that have developed in recent months or years.

Council Chair Rapozo: We will have an opportunity to vet these projects out when it comes back to us, but I do want to add on to what Councilmember Yukimura said because the Koa'e Workforce, the one in the south shore is targeted for households below eighty percent (80%), which is critical. In addition, the Habitat for Humanity project out in 'Ele'ele is for families that are between thirty percent (30%) and eighty percent (80%). This is the target of these projects that I think is really needed, so this is a great opportunity. With that, I will suspend the rules.

There being no objections, the rules were suspended.

Ms. Punohu: Anne Punohu. I was asked by some members of the community to come and testify today on both of these items. This item, I have one (1) thing to say, but on the next item, I have something else to say. I looked over all of the projects and we desperately need this. I am hundred percent (100%) in favor. Councilmember Kagawa, this is federal funds so you cannot discriminate; however, I would like to see some sort of a vehicle where we could address that issue because I think it is a huge problem. I think that our housing is not always getting to our people, there is a huge influx of people from outside of the State, and we are now in direct competition. Those of us that need the housing here, our people under-housed, are up against this huge influx of people coming here and it is an issue. It was explained to me that because we are using federal funds, we cannot discriminate, but maybe we can think of a policy issue and think about how that can be addressed by policy where it does not violate the laws of federal funding and that we are able to address that very serious issue. I am in favor of appropriating these funds. I still feel that administration costs are too high. On the next communication, I will testify and explain why, because that one has a breakdown and I think it is inequitable on that breakdown of those programs. *Aloha.*

Council Chair Rapozo: Thank you. Anyone else?

Mr. Bernabe: Matt Bernabe for the record. I agree with the previous speaker on her points, but I also would like to add that I support this because my mom had HUD. My mom was on HUD when I was growing up and that helped a lot. I probably would not have lived as well as I did had it not been for that assistance. The other thing that I would really like to point out is that we may not be in control of the preference to who is eligible, but when we plan these communities funded with federal funds, let us keep in mind good bus stops, tied in routes to that bus, and sewers going to a wastewater treatment. Let us think holistically, right? If you are going to try to max out and I am just making numbers up, but if you do not think of those things and you try to max out the amount of units, like one hundred (100) units, maybe we have to go seventy (70) units and put some of that money into some of those other things. Obviously, there will be a process to that, but I am just starting the conservation that way. Thank you.

Council Chair Rapozo: Thank you. Any other testimony?

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion? Seeing none.

Councilmember Kagawa moved to defer Resolution No. 2016-29 to the March 23, 2016 Council Meeting pending the Housing Agency's March 17, 2016 Public Hearing, seconded by Councilmember Kualii, and carried by a vote of 6:0:1 (*Councilmember Chock was excused*).

Resolution No. 2016-30 – RESOLUTION AUTHORIZING THE FILING OF THE KAUA'I COUNTY 2016 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

Council Chair Rapozo: Likewise, the Housing Agency will be holding a public hearing on March 17, 2016 at 4:30 p.m.

Councilmember Kualii: I would like to recuse myself due to a possible conflict of interest as I am employed by the YWCA of Kaua'i and I am the President of the Homestead Community Development Corporation.

(Councilmember Kualii was recused from Resolution No. 2016-30 and was noted as not present.)

Council Chair Rapozo: Anyone wishing to testify?

There being no objections, the rules were suspended.

Ms. Punohu: Aloha. Anne Punohu. Of course, I am in favor of public housing funds and these programs; however, when I was looking through the paperwork given to me on this Resolution, there was an itemized list of the breakdown of what the expenditures were going to be for this particular batch of funds. My concern is one hundred fifty thousand dollars (\$150,000) for

Administration and then there is one hundred fifty thousand dollars (\$150,000) for the other resolution, totaling three hundred thousand dollars (\$300,000) for administrative costs. The other thing was Mahea Road Sidewalk and the Photovoltaic System & Air Conditioning Units for Family Violence Shelter—why would I be against that? I am not, but I am looking at the numbers here one hundred fifty-nine thousand dollars (\$159,000) and one hundred thousand dollars (\$100,000) for those, but when you look on the other side of the sheet, these services are very important and needed, but in my opinion the way that the funding is being allocated at this cycle is under-funding these four (4) very vital services on the top on the public service heading and over-funding some times in totality in the administrative costs. This one program, which is called “Case Management / Relapse Prevention,” affects somebody like myself and other people who tend to have issues like that with housing. Another one is “Case Management Self-Sufficiency & Substance Abuse Relapse Prevention Program,” so let us look at the difference in funding. For Case Management / Relapse Prevention, we have twenty-four thousand dollars (\$24,000) allocated, but then if you look on the other side, you have one hundred thousand dollars (\$100,000) for a sidewalk. Now, I know they are completely different things and there are different things involved, but on first blush when I look at it, it does seem like there are some inequity on these on the ground programs that are in the “trench” kind of work. We are directly affecting the people who are the most affected and the most vulnerable versus the larger appropriations on the other side. That is my concern on this breakdown of this funding stream for this particular cycle for this group of funding sources. Working Hands Project and the Homeless Emergency and Transitional Shelter—oh my goodness, we absolutely need to be putting a hundred thousand dollars (\$100,000) into that. There must be a way to get down some of the costs, especially on the administrative side. I am going to reiterate that from now on in all housing future projects because I see administration cost being extremely high...

Council Chair Rapozo: I need to stop you there. Is there anyone else wishing to testify on this Resolution? If not, thank you.

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion?

Councilmember Kagawa: I had some suggestions and I think it would be good if Anne shows up to the Housing Agency’s public hearing because even last year there was some disagreement on the Council’s side as to certain CDBG items that were funded. When the public approaches the Housing Agency at the time of the public hearing and convinces them that the numbers are not correct, I think it would be better than the Council hearing the public and making changes without having the Housing Agency agree with it. It would appear like micromanaging, so hopefully you can bring up your concerns and let us see if the Housing Agency has any suggestions or answers to your concerns.

Council Chair Rapozo: Any other discussion? I will say that when this comes back to the Council, we will have that in depth discussion and justifications for each of the projects because I tend to agree with what you are saying, but it would be much better when we get the plan from the Administration. Like what Councilmember Kagawa said, March 17th at 4:30 p.m., at the Civic Center, I suggest you share your concerns.

Councilmember Kaneshiro moved to defer Resolution No. 2016-30 to the March 23, 2016 Council Meeting pending the Housing Agency's March 17, 2016 Public Hearing, seconded by Councilmember Kagawa, and carried by a vote of 6:0:1:1 (*Councilmember Chock was excused and Councilmember Kualii was recused*).

Resolution No. 2016-31 – RESOLUTION URGING GOVERNOR DAVID Y. IGE, THE KAUA'I LEGISLATIVE DELEGATION, AND THE STATE DEPARTMENT OF TRANSPORTATION TO ACKNOWLEDGE THE URGENCY AND IMPORTANCE OF ADDRESSING THE TRAFFIC CONGESTION WITHIN THE KAPA'A-WAILUA TRAFFIC CORRIDOR: Councilmember Kualii moved for adoption of Resolution No. 2016-31, seconded by Councilmember Hooser.

(Councilmember Kualii was noted as present.)

Council Chair Rapozo: With that, Councilmember Hooser.

Councilmember Hooser: Can we have the Resolution read, please?

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Resolution urging Governor David Y. Ige, the Kaua'i Legislative Delegation, and the State Department of Transportation to acknowledge the urgency and importance of addressing the traffic congestion within the Kapa'a-Wailua traffic corridor.

"WHEREAS, Kūhiō Highway (Route 56) and Kaumuali'i Highway (Route 50) are the main transportation arteries for the County of Kaua'i and fall under the jurisdiction of the State Department of Transportation (DOT); and

WHEREAS, the County is responsible for public transportation services and County roads, and the State of Hawai'i is responsible for State highways; and

WHEREAS, almost the entire stretch of State Highway from Kawaihau Road to Maluhia Road is rated LOS-F, the very lowest by State standards; and

WHEREAS, traffic on Kūhiō Highway in the Kapa'a – Wailua Traffic Corridor is often in gridlock, costing residents hours of wasted time each day and causing residents to be late to medical appointments, work, and air travel; and

WHEREAS, the traffic gridlock would also make evacuation during an emergency, such as a tsunami warning, nearly impossible; and

WHEREAS, residents and visitors to Kaua'i are frustrated and disappointed by the extreme traffic congestion and are becoming increasingly vocal of their frustration, even taking to social media and websites to express their dissatisfaction, which may cause a ripple effect of negative publicity for our island; and

WHEREAS, the constant traffic congestion in the Kapa'a – Wailua Traffic Corridor is limiting the development of new housing opportunities on Kaua'i's east side due to project approval delays because of traffic concerns; and

WHEREAS, due to traffic congestion, many people may increasingly be avoiding the Kapa'a Town core, which hurts small businesses located in this area; and

WHEREAS, the Council recognizes that reducing traffic congestion requires a comprehensive long term multi-modal approach that includes expanding public transportation options as well as expanding highway capacity; and

WHEREAS, State officials have stated in the past that the State DOT is proposing to add a fourth lane from north of the Wailua River to the existing Route 581, commonly referred to as the Kapa'a Bypass Road; and

WHEREAS, State officials have also stated that funding for an additional fourth lane has been included in the State's budget; and

WHEREAS, the fourth-lane expansion will cover less than one mile of distance; and

WHEREAS, the addition of a fourth lane and related improvements are expected to significantly improve traffic conditions in the Kapa'a - Wailua Traffic Corridor; and

WHEREAS, though approved and funded, this project has languished for years and failed to move forward; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Kauai County Council strongly encourages Governor David Y. Ige, the State Department of Transportation, and the Kauai Legislative Delegation to acknowledge the urgency and importance of addressing the extreme traffic congestion existing within the Kapa'a - Wailua Traffic Corridor.

BE IT FURTHER RESOLVED, that the Kauai County Council further requests that the State DOT accelerate the development of highway improvements in recognition of the emergency situation that exists.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to Governor David Y. Ige, State Senate President Ronald D. Kouchi, State Representative Derek S. K. Kawakami, State Representative Daynette "Dee" Morikawa, State Representative James Kunane Tokioka, Mayor Bernard P. Carvalho, Jr., State DOT Director Ford Fuchigami, and State District Engineer Lawrence J. Dill, P.E." This Resolution was introduced by Councilmember Gary L. Hooser.

Council Chair Rapozo:

Thank you. Councilmember Hooser.

Councilmember Hooser: Thank you very much, Madame Clerk, for that nice read. I just have a few slides to show. I actually had a longer presentation, but I think it warrants me to pass this out after the meeting is over to Councilmembers so they have a full scope of this. The purpose of the Resolution as stated earlier is to point out to the community that the main source of traffic congestion occurs on State highways and it is the State's responsibility, and to encourage them to contact their State Representatives, Senator, and the Governor. I also wanted to point out through this that there are a number of solutions that are on the table already, and I want to thank Rayne Regush for giving me a heads up on this and it was similar to what Mr. Mickens had indicated earlier. These are solutions that have been worked through the community and both the State and County are aware of them and many of them are ready to go. I am going to hit on a few of them. This is just an overview of the map of this corridor. You see the Wailua River on the

bottom, and then you see where it terminates at the top at Keālia. This is a stretch that we are talking about. This imagine will tell pretty clearly how this is different from all the other traffic situations in the County. Yes, it is bad all over, but on the eastside in the Kawaihau District, which is the largest population center, you have a stretch of highway along the coastline that is in gridlock much of the time. The risk of tsunami or other disasters are very real and I have been caught in that traffic during a tsunami warning, when it is back-to-back locked up and you are looking out at the ocean and it is a disaster waiting to happen. It is a traffic disaster today, but it is a real human disaster if we do not get this thing fixed. That is one (1) that makes it different from all the other traffic congestion throughout the County. Another thing that makes it different from specifically the west side traffic is that the town core; the town is right there and the businesses are suffering and continuing to suffer unless this issue is corrected. This traffic, which makes it different from anywhere else, except for Līhu'e, is all day, every day. It is not just coming in in the morning and going home in the afternoon. It is all day, every day. It is always bad and sometimes it is worse. It is wasting enormous amount of time and resources in our community and the State needs to step up to the plate, in my opinion. This is what this Resolution attempts to purvey. I will skip through because you cannot read this and I apologize. I am going to read portions of it out. Basically, these are two (2) lists of projects.

In the first list are projects that are essentially ready to go and could be done without much additional planning. It takes funding and political will. The first one is widening the temporary bypass road north of Olohena Road. Those of you that are familiar with the area will know where Olohena Road is, the temporary bypass stops there, but this proposal is to continue that path and to connect with Kawaihau Road. Right now, it is just a one-way coming from the north. The second one is widening Kūhiō Highway between the temporary Kapa'a bypass, southern terminus, and Kuamo'o Road, where the bridges are. That is the proposal specifically identified within the Resolution. This would widen it and add one (1) southbound lane and improve the intersections there at Kuamo'o Road and the Houselots. This is the proposal. It has been on the table for several years and supposedly the funding is in place. In my opinion, it would add tremendous relief, even though it might be temporary for a few years. The third proposal is extending the right turn lane from Kuamo'o Road as people come down the hill. The fourth is optimizing traffic signals on Kūhiō Highway. These are all doable things that could happen immediately if the State would move forward on these. There is a second group of improvements that would take longer time, but they are on the list. That includes widening Kūhiō Highway all the way to Kapule Highway, heading towards Līhu'e and making the four (4) lanes all the way. That is projected to cost around forty million dollars (\$40,000,000). Another one is to terminate Haua'ala Road at Kūhiō Highway. Another was intersection improvements in downtown Kapa'a Town. Extend Pouli Road and extend Eggerking Road. These are all long-term and have not been explored as clearly as the first ones I mentioned. Clearly, there are things that the State can do immediately and that is what this Resolution speaks to do. It also acknowledges that a comprehensive long-term solution is needed, but we need short-term help now. Those are my comments, Chair. I have visuals of these areas I could show, but in the interest of time, I will end my presentation there.

Council Chair Rapozo: Thank you, Councilmember Hooser. Any questions for Councilmember Hooser before I take public testimony?

There being no objections, the rules were suspended.

(Councilmember Chock was noted as present.)

Mr. Bernabe: Matt Bernabe. I am not going to speak too much on all the things I have already said, except I also believe some of the suggestions on education and driving practices is really the first step. However, with that said, I support this Resolution and as a public member would like to see Senate President Ron Kouchi, Representatives Derek Kawakami, Jimmy Tokioka, and I am not quite sure what the *wahine's* name is...because that is not my district, included the names after Governor Ige and then sent to them as well. Then have it sent to not only them, but send it to everybody else in the Senate and the House. Have this letter circulated and put it on Channel 9 and Channel 2. Sometimes exposure like this is a perfect way to shaming them into doing the right thing. That is my opinion as a resident, voter, and somebody that is giving you folks an excuse, somebody in the public is saying rattle the cage. Thank you.

Council Chair Rapozo: Thank you. Anyone else wishing to speak? Just for your information the Kaua'i Delegation is listed on the Resolution, so it is going to all of them. Next speaker.

Ms. Punohu: Aloha. Anne Punohu. Sorry you are getting so much from me, but I was quiet all morning and now I get to make it up. I fully and wholeheartedly support this Resolution. We keep saying, "That is the State's business." We are not separated from the State, we are the State, they are obligated to care for all of the citizens of this State and not just O'ahu. That is why I have always been a supporter of homerule for Kaua'i. That is why I always had a problem with relying on the State for things. I think it is very important to hold the State's feet to the fire. For me, my issues are getting more cars off the road. People are too comfortable in their vehicles and it is time to wake, grow up, and realize that the days of being able to have ten (10) cars in your home and getting in your vehicle to go down the street to Walmart is over when you could be walking, biking, or taking the bus. For me, it is very important to improve our public transportation system because that is imperative to so many of our citizens as more and more people work and cannot afford and trying to save money. It is an overall package that we need to push. We also need to make sure, too, that as these road improvements and as these moneys come forward and as we push Ige and the Legislature to do the right thing for our people, we also need to remember that there is another side of the coin, which is the planning part. There is a the part where we approve developments at one time and then we have road construction at one time, so even though we are going to get one thing on one side, we are shooting ourselves in the foot in the other. It is a cumulative effect. In my opinion, we should have a policy where we could tie in our development and planning policies and procedures to funding roads and public facility improvements together so that we do not get into huge gridlocks for our people. That is my take on it. *Mahalo*.

Mr. Taylor: Chair and Members of the Council, Ken Taylor. I want to thank Councilmember Hooser for introducing this and I certainly agree with Councilmember Kagawa's earlier comments today about adding the west side because there are certainly problems out there also. But for the time being, I just want to address the activities that are being looked at for the east side. Besides adding the lanes on the bypass roads, which are important, I think we need to make the bypass a one-way road going south and make the existing highway through Kapa'a going north, so you will have two (2) lanes going each way to split a little bit. That takes us over to the river. At that point, after you cross the river, what we need to do because you have some serious problems of trying to widen the road there along the golf course because you have the drainage ditch and utility poles, which are very expensive to move. Back there is a cane haul road that we can use to go south, two

(2) lanes, and use the existing highway, north with two (2) lanes from Hanamā'ulu into Kapa'a. I think that would be an inexpensive alternative to some of the other more expensive alternatives. It would do a tremendous job at relieving most of the traffic, most of the time through that area. I do not disagree with some of the current activities or discussions of putting those lanes in, but I think the one that has been missing is making each of those roads one-way and two (2) lanes to expedite traffic through the area. Thank you and I hope that when this moves on to the State that it will include also activities from the west side. We talk about a couple of miles of traffic through Līhu'e, but it backs up when it all goes down to one (1) lane out there on the other side of the college. We see that building up and I have seen it backed all the way down to Kukui Grove Shopping Center from out there where it funnels back. Any time you have those two (2) lanes going to one (1) lane, you are going to end up with traffic backed up. Thank you.

Council Chair Rapozo: Anyone else wishing to testify?

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion?

Councilmember Kualī'i: I had a quick question for the introducer. I think I know what is meant by this, but in the third "whereas" from the bottom, where it says, "That includes expanding public transportation options as well as expanding highway capacity." That means all of highway improvements meaning widening, additional lanes, and even new roads...is that all included under expanding highway capacity?

Councilmember Hooser: I think in general, yes. This was a comprehensive solution and it will be new roads, expanding roads, but definitely public transportation is an important component as well.

Councilmember Kualī'i: Thank you.

Council Chair Rapozo: Thank you. Any other discussion?

Councilmember Kaneshiro: I think it is a no-brainer to support a resolution like this. The one thing that I am hesitant about is that the Resolution going there and nothing happens. I do not know if we need a follow-up as far as...I think that last time we were cheering that the State came because they usually do not come and present their road projects, where they are financially, and what their plans are to do. With a letter like this, I would love to see them come back and say, "Here is an update of where we are at," especially now that they are looking to increase the vehicle weight and fuel taxes. It would even more motivation to see with this increase, what are we going to get on Kaua'i? As Councilmember Hooser said, I think there is a lot of confusion between what the County's responsibility is and what is the State's responsibility. I know if we try to increase vehicle weight tax, we would probably be bombarded with E-mails. I do not know if the State gets those types of E-mails. It affects the people the same way. Whether they increase vehicle weight/fuel tax by five cents (5¢) or we increase it by five cents (5¢), they will use it the same way, but I feel like we get nailed for it. When in actuality, our money would go directly to Kaua'i and the State's...I do not know where that would go—it could be spread out. Also, in looking at the solutions, I guess, it would be a presentation by the State again as far as what their plans are. I will definitely be voting in favor of this Resolution.

Councilmember Yukimura: Perhaps we can make a request to the State DOT to do an update from their presentation, which I believe was about a year ago. That would be very informative if we could schedule that as a separate agenda item. I just want to point out that when the State raises their fuel tax or their vehicle weight tax by one cent (1¢), their base is so much bigger, therefore they generate so much more money versus the one cent (1¢) that we generate whether it is fuel tax or weight tax because we have a smaller base. Thank you.

Council Chair Rapozo: Anyone else? Just in response to Councilmember Kaneshiro's comment about wondering if the State Legislature is getting the E-mails that we are getting and the answer really is no because number one, how many of you really knew that the State was thinking about raising fuel, weight, and registration? Nobody knew. Unless you read the Star Advertiser a couple days ago, these bills were floating around for quite a while, but nobody informs the public. That is how the State Legislature works. They are not subject to Sunshine Law. They do not have to notify us on Kaua'i what they are doing. Every time we do something, we need to let the public know. The Garden Island covered Councilmember Yukimura's proposal, one of them, but not the State. Again, I knew it was being talked about, but I did not really get into the details until I saw it in the Star Advertiser a few days ago that they were doing a triple whammy. Kaua'i does not know. Who are you going to call? You folks call and E-mail us, "Knock it off. What is wrong with you folks? You folks are ripping us off." That is why I said earlier today to direct those to our State Delegation because they live here. They need to hear it. I put it on Facebook because I wanted the public to know that you need to them know and that is where the action happens. Unfortunately, these things are done before the public knows and then when they find out about it, it is too late. I encourage you folks and we try to put what we can on the County's website, but many times, we do not know. We do not know what is going on in that square building. I think it is important that...you will get more newsletters this year because it is an election year, but throughout last year, I do not remember getting many newsletters of what is going on. I am sure as heck that they are not putting in the newsletter saying, "Hey, by the way I am thinking about raising your fuel tax, weight tax, and registration fee." They are not putting that in the newsletter. I do not mean to be harsh to the State, but we need to put the fault where it lays and if you folks have questions about why the State...this action in the State is going to generate over seventy-five million dollars (\$75,000,000) more for the State. What do we get? We get congestion. I do not want to spend no time on the TAT, but I can tell you that the TAT is increasing for the State. They are getting more money from the tourist dollar than ever before and what do they do with the County's share? They cap it. Is that fair? You need to let them know. It is not fair. I really applaud Councilmember Hooser. When you read this, you think, "my goodness, why did we not do this earlier?" Unfortunately, the reality is that this Resolution will go up there, they are going to read it and Councilmember Hooser can attest to this, he was up there for a while. They are going to read it and put it on the side and say, "Yes, we will get to them when we can." We heard the State tell us not long ago that the big road plan is out, but we just do not have the money. Councilmember Hooser is right on target that there are projects that they can do today that can alleviate some of the congestion temporarily. Until they hear from the voters...because we only represent seven (7) votes for them. It is not going to impact the election, but if five thousand (5,000) or six thousand (6,000) of you E-mail these people and say, "If you do not take care of Kaua'i, we might just have to look somewhere else." Maybe that will get their attention. That is just how this works. I appreciate the testimony. We did get quite a few in E-mails. I know everybody agrees and we just have to make sure that our

Delegation knows. I implore all of you to do that. To let them know how you feel. We need to get this adjusted. Councilmember Kagawa, I would expect the west side resolution to come as well. Whether or not it does anything, we need to at least try and that is the only vehicle we have is with a resolution.

The motion for adoption of Resolution No 2016-31 was the put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: At this time, I am going to deviate from the agenda because I want to deal with the lobbyist's bill. I know we have people that have been sitting in the audience since the morning for this item. The intent is to refer this to the Committee Meeting next week. Councilmembers Hooser and Kaneshiro have amendments and this is not time sensitive at this point. We will not going to lose anything if the item goes to Committee next week. With that, is there any discussion before I call for public testimony? No registered speakers?

There being no objections, Bill No. 2614, Draft 2, was taken out of order.

BILL FOR SECOND READING:

Bill No. 2614, Draft 2 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 6, RELATING TO THE REGISTRATION OF LOBBYISTS: Councilmember Kuali'i moved to refer Bill No. 2614, Draft 2, to the March 16, 2016 Committee of the Whole Meeting, seconded by Councilmember Chock.

There being no objections, the rules were suspended.

Mr. Bernabe: Matt Bernabe, for the record. I was not going to testify because I have testified on this before, but the funny thing is as we broke for lunch earlier, I was in the parking lot with a little Japanese person that had been sitting in here earlier...she did not say a word, and she had been waiting for this subject. I asked her opinion. She was against it on the premise that she used to or may even still work for the hotel industry and has in the past and may in the future will testify on behalf of the hotels and she did not think that she should be labeled as a lobbyist and report all her funding because yes, she makes money from the hotel, but she is not making money for the hotel. That was the basic gist of it. I agreed with her, even though I supported the lobbyist bill, but on this particular area of the Bill, in our conversation it dawned on me that even if you are a manager that is just looking out for your own interest of your pay check to pay your mortgage, gas, or your food and you are not the CEO's or wall street folks that have shares in the company, that is really a difference. If you come and advocate for the success of your employment is quite different than the folks making millions and who is going to make a one-time deal. I told her that I would express that point for discussion for her. I did not actually catch her name, I should have, but anyway that is some food for thought.

Council Chair Rapozo:

Next speaker.

MARK PERRIELLO: I am with the Kaua'i Chamber of Commerce. Thank you for taking a few minutes to listen to my testimony today. It is interesting before I get to some of the meat of it, I have been watching "House of Cards," the new episodes that just came out on Netflix, and it is not wonder that people think that politics is a dirty game and that we need legislation like this in order to make sure that our public officials are accountable to the people and that lobbyists do not have undue influence in the process. I think that everyone comes to the table respecting the fact that we need a law and that this law is an appropriate step in the right direction, but I think that for many reasons it is sort of overkill. It really goes above and beyond what I think we need for our island community here. I have no doubt that in the end, based on what I read in this law, that I will be a registered lobbyist here on the island, and I am not ashamed of that. I have actually been a registered lobbyist in Washington D.C. working for lesbian, gay, bisexual, and transgender (LGBT) rights and disabilities rights, and those are things that I am proud of and I will be proud to lobby on behalf of the business community here on the island in the future. With that said, there are a couple of things that I think need some clarification or some changes that you all might want to consider. I have a question on Section 3-6.5. How is an electronic communication valued? I think that is an important question. We go out to our list and communicate with people about various pieces of legislation that might be happening here in the County and how is that valued, I think, is an important question. I also think that you need to leave carve out for membership organizations who are communicating with their members. That I think is an important thing for you to consider as well. Section 3-6.5, again, I think there needs to be some clarifying language here that it would not include nonprofits or trade associations. I think it goes a little bit too far to say that donors of twenty-five dollars (\$25) or more to organizations like a chamber of commerce need to be disclose. It is really quite frankly unclear whether that would be required, but something to consider. Do I get three (3) more minutes?

Council Chair Rapozo:

Yes, when everyone has testified.

Ms. Punohu: Anne Punohu. I have not said much about this Bill. I feel that I have been a lobbyist for thirty (30) years, but I have always represented myself or different groups in the community. My concern is that this Bill does not do what it is not supposed to do. I want to see this Bill effectively force people who are working for multi-million dollar corporations and developers too...I want to see them exposed for who and what they are, who they are giving money to, and how they are pushing the edge into other people that are paying them. It is different in the community if you are part of a nonprofit. When you are part of a community group and when you are trying to represent an under represented population within the community, that is not a subject to the same criteria or inspection as somebody who is obviously working for people with a lot of money and they have a clear agenda and their clear agenda is to go against the community interest. It then forces the community to form a community group to go against the lobbyists that are representing the larger group with more money. This is what I have witnessed over the decades of living here. This is what I think it has become in the whole situation with lobbyists. We do not want to turn into criminals where, "We have to do all this things," if you are just a community person trying to fight this huge person trying to bull over everyone else. Let us not over regulate. Let us not be ambiguous. The people that you are looking for on this law are the people who would

clearly be abusing the privilege and undue influence of government leadership. I think I said that clearly. I am so sorry. Thank you.

Mr. Taylor: Ken Taylor. I am totally in support of this Bill and thank you for bringing it forward. It would be nice if there are amendments, that we could see them before the next meeting, but if they are not available – they are not available. I really think it is important that lobbyist be identified and the community should know who is and who is not speaking. Some have accused me of being a lobbyist. Well, if I am a lobbyist, I am lobbying not because I have a dog in this fight, but most of the time I am most interested in what is the best for the majority of the people of the island. I approach things in that fashion. I have no businesses. I have no affiliations with any businesses. I think it is really important that when there are people like this and I think Matt's comment about Sandi...I think she is definitely a lobbyist, but that is my opinion. I am looking forward to moving this forward in a timely manner. Thank you.

ROBERT GIRALD: Good afternoon. Robert Girald. I apologize for not reading the draft that you have before you, but I followed some of the earlier discussions. In my opinion, I believe that there should be a registration for lobbyist, but then again, I think a lot of the requirements placed on this ballot is an insult to you folks. Personally it is an insult, as far as I am concerned, because if I cannot trust you because you are going to be bought for twenty-five dollars (\$25) or a lunch, then you do not belong here. I personally feel that way. I think you folks have a lot more integrity and we should be able to respect and honor you because you took the time to run for this office and you should uphold the rules. There were a lot of discussion about just making it a condition that you will not accept any of that. You know what is right and wrong. Politicians should be held to that point. Each time we continue to put in more rules, you know what happens, half of the rules are forgotten. You yourself will not remember every issue in every respective clause of the rules. The public will not. It happens all over. We have so much rules that people do not even know what the rules are. What I am saying is that I think a certain amount of personal integrity is important. I think that people have instilled that in you by electing you. To me, again, I think it is an insult that you put such requirements of reporting. Lobbyists should be required to registered and I think that is about it. The rest can be violation of basic law. You need to really look at whether or not you need something as stringent as what the proposal is. Thank you.

LELAND PAPPERT: My name is Leland Pappert. I just hope the highest good for everyone. I think that everyone here is in accord of that. I just hope to meet you each personally and talk story with you direct and that is about all I have to say. I love you all.

Council Chair Rapozo: We love you too.

Mr. Pappert: Simplify it – just state what is in your heart and be happy.

Council Chair Rapozo: Anyone else wishing to testify on this? If not, we will call the meeting back to order.

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Discussion?

Councilmember Hooser: I just have a few clarifying points that continues to be a misinterpretation or a lack of understanding about the definition of a lobbyist. As the Bill is here before us says, "Any individual who for pay or other compensation engages in lobbying on behalf of somebody else for five (5) hours in a month." Thank you, Council Chair, for your amendment, which made that even tighter to what it is today. So that means that the only people that are lobbyists are people who get paid to represent somebody else and they do that at least five (5) hours in any month. So, people that have come up here and testified, no one has testified for five (5) hours yet—it is a long ways. If you work for a hotel or business, it does not matter unless you get paid to represent that business and you do it for more than five (5) hours. I just want to be really clear on that. It is a subject that keeps coming up. Another topic was a suggestion that we might somehow not have it applied to nonprofits or trade associations, but I have to say that the vast majority of lobbyists lobby for nonprofits or trade associations. How do you value the electronic? The Bill clearly states, "Amount spent on electronic," so if you are not spending money on electronic, you do not have to disclose it. Finally, the twenty-five dollars (\$25)—name and address of each person during a period that contributes twenty-five (\$25) to an organization or lobbying, it says, "For the purpose of lobbying." This is language that is used in the State's law that says specifically for purposes of lobbying. So, if it is membership dues that is not twenty-five dollars (\$25) for the purpose of lobbying. The practice and the rules that the State follows does not count just donations to an organization or membership dues as that twenty-five dollars (\$25). It is not an onerous provision. I am glad that we are having a full discussion on this. I think this is an issue that needed to be dealt with and it is primarily a disclosure mechanism. Lobbyist register, so we know you are a lobbyist and tell us how much money you are spending on lobbying. That is the heart of it. It is an issue that reaches nationally and is on the forefront of many people's minds in our community and around the State. The State is the influence of lobbyist of government decision-making. I am looking forward for a debate and I am hopeful that we can pass a strong model piece of legislation for our County that is reasonable in its application to everyone. Thank you.

Councilmember Kagawa: When we first had the lobbying bill, my first comments were to keep it simple and short, and then we talked to Council Chair White and he said, "Do not follow ours. Ours is too short." I guess it is finding that happy medium. I agree with Mr. Girald that if you engage in lobbying as a Councilmember and easily influenced by lobbying, I think the voters will know that that is happening and you will not be reelected. The most controversial bill ever in the history of Kaua'i, Bill No. 2491, we had seed companies and all of their employees telling us what was wrong with the bill and what have you, but that is not why I voted against the bill. I voted against the bill primarily because of Mauna Kea's opinion that told me that the bill would be invalid. Even though I heard from attorneys on the other side that, "We will pro bono it and we will beat Mauna Kea," and that did not happen. It is still in appeal, but I think as a Councilmember and every two (2) years you get elected; you will face the music if you play in any shenanigans. Kaua'i is a small island. To have very strict rules...I do not know what we are trying to create. Do we create everybody pointing a finger at each other? Every time somebody is not happy with each other's decision, we are going to point a finger and look for a reason besides voting against it, just because you did not believe it was a good idea. I think that is foolish and a waste of time. I am looking for something simple that meets the requirements of having a lobbying registration law, but like Mr. Girald said, let us have something that is fairly broad and will let the voters dictate who is doing the job and who is not. If so, who is going to replace them?

We are a small island. We do not get big donations or big invitations to do things as the Congress and the State Legislature – this is Kauaʻi County. The Kauaʻi County is just driven by people and that is who we are influenced by. We are influenced by the people that surround us, are in our circles, families, friends, and people in our community and we should try to do the right thing. Like I said, the seed corn issue could be looked at as a possible one, but certainly for me, I could honestly say that their lobbying me did not influence my decision. My decision was driven by our County Attorney opinion. I just want to applaud the efforts to have a lobbying bill, we need one, a lobbying registration law. Let us have one that you register and let us not have all these *manini* things in there because I think it is an unnecessary effort that is going to be wasting time. Thank you.

Council Chair Rapozo: Any other discussion? Seeing none, we will have this referred to the Committee. I would ask that the amendments be all prepared and ready for the meeting next week Wednesday.

The motion to refer Bill No. 2614, Draft 2, to the March 16, 2016 Committee of the Whole Meeting was then put, and unanimously carried.

Council Chair Rapozo: At this time, we are going to go into the Resolution for the fuel tax rate, but we have a caption break at 3:30 p.m., so I am going to take that now so we do not have to be interrupted.

There being no objections, the Council recessed at 3:15 p.m.

The meeting was called back to order at 3:26 p.m., and proceeded as follows:

Resolution No. 2016-32 – RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3

Councilmember Yukimura: Council Chair?

Council Chair Rapozo: Yes.

Councilmember Yukimura: May I ask that the “whereas” statements be read in the Resolution?

Council Chair Rapozo: Okay. There is an accompanying bill...if you notice there is a resolution and there is Proposed Draft Bill (No. 2620), which by statute when we adjust the fuel tax, it requires a resolution and the bill. That is why you see the bill and the resolution. We are going to take up the Resolution first. Jade can you read the Resolution? I need a motion.

Councilmember Kagawa moved to receive Resolution No. 2016-32 for the record, seconded by Councilmember Kaneshiro.

Ms. Fountain-Tanigawa: Resolution determining the County of Kauaʻi fuel tax rate and repealing Resolution No. 2013-47, Draft 3.

“BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

WHEREAS, the purpose of this resolution is to ensure the long term viability of county roads, eliminate the \$100 million deferred county road maintenance deficit, reduce auto maintenance costs to the driving public by providing better roads, and ensure that the County has a road system good enough to serve the needs of a growing economy; and

WHEREAS, the Council finds that the \$100 million road repair bill due to deferred maintenance accumulated over many years was caused by a failure of public officials to put enough revenues in the Highway Fund, which is funded by fuel and vehicle weight taxes and registration fees. From time to time, officials have also voted to use real property tax revenue to supplement the Highway Fund, but there has also been resistance by the public to increase property taxes; and

WHEREAS, the public officials were not the only ones responsible—the public has not been generally supportive of raising such taxes despite the growing need to repave and repair roads even when many have experienced costly damage to their cars; and

WHEREAS, the Council finds that the County can no longer afford to postpone much needed maintenance for both safety and economic reasons. To do so would be irresponsible, a breach of the Council's fiduciary duty to Kaua'i residents today, and a terrible legacy to pass on to future generations; and

WHEREAS, with the price of gasoline down by over \$2.00 a gallon at the pump, now is an opportune time to increase the tax by less than is being saved through lower fuel costs. Acting before gas prices rise, we will be able to use a portion of our savings for road repair, and we will be able to repave and repair more roads at today's lower asphalt and diesel costs. It is an investment we must be willing to make to ensure a strong future for Kaua'i; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. The County of Kaua'i fuel tax per gallon of liquid fuel, authorized by Chapter 243, Hawai'i Revised Statutes (HRS), as amended, is thirty-two cents (32¢) per gallon of liquid fuel and ten cents (10¢) per gallon of biodiesel. Effective July 1, 2026, the fuel tax shall be decreased by fifteen cents (15¢) per gallon of liquid fuel and decreased by five cents (5¢) per gallon of biodiesel.

SECTION 2. Chapter 243, HRS, as amended, requires that the County of Kaua'i fuel tax be set by resolution.

SECTION 3. Resolution No. 2013-47, Draft 3, is hereby repealed.

SECTION 4. Copies of this Resolution shall be transmitted to Mayor Bernard P. Carvalho, Jr., County of Kaua'i; Ken M. Shimonishi, Director of Finance, County of Kaua'i; and the Director of Taxation of the State of Hawai'i.

SECTION 5. This Resolution shall take effect on January 1, 2017." Introduced by Councilmember JoAnn A. Yukimura.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: I introduced this because we have to repair our roads and it is appropriate that the users of the road be the ones who pay for this since they are both causing the damage and being most affected by the damage to the roads. This is in conjunction with the vehicle weight tax because there is the factor of weight by vehicles that really affects the roads, too. The energy efficiency cars will be paying less, if it is a fuel tax, but making them pay their share by making sure that there is a vehicle weight tax as well. I have not heard of any other plans as to how we are going to be able to eliminate this hundred million dollar (\$100,000,000) deferred maintenance debt, which we have to do or else we will pay any way by repairs to our cars. I am hoping that we can at least go to public hearing to get the public's input on this plan, especially because we have a responsibility to fix our roads. Even if Councilmembers may not want to see it, at least we should let the public testify and hear what they have to say first.

Council Chair Rapozo:

Any other discussion?

Councilmember Kagawa: Thank you to Councilmember Yukimura's press release in The Garden Island. I think the public has seen what this Bill is about. I have gotten hundred percent (100%) negative comments toward this idea. If I project that over the entire island, I think I can see already where the public is on raising fuel taxes and motor vehicle weight taxes that are already combined with nine point seven five million dollars (\$9,750,000) that we collect in fuel taxes and vehicle weight taxes and registration. Nine point seven five million dollars (\$9,750,000), you ask yourself, how much every year of that are we using the hundred million dollar (\$100,000,000) backlog? I will give you that answer. For the past four (4) years, zero (0). We have not paved the roads that are in dire need. What we did was we did fix Hardy Street, which was fine. We put in a lot curbs, planters, irrigation, plants, and we are proposing to spend another two million dollars (\$2,000,000) on Rice Street to do the same type of work. It concerns me that we keep hearing from the Administration that we have a hundred million dollars (\$100,000,000) backlog in these roads and if we do not fix the roads soon, the total will go higher. Why are we not doing it now over the past four (4) years? Norma Sparks testified today and said that, "I see that you collected two million dollars (\$2,000,000) that you did not spend last year," so why did we not spend two million dollars (\$2,000,000) to fix dire need roads and eliminate that surplus? We would have only ninety-eight million dollars (\$98,000,000) more to catch up, but no, we say we have to raise all the vehicle weight taxes and fuel taxes before we attack that job. I think the public trust is not there. The public is asking are these additional funds that you are going to raise to hire more positions and just make the County larger with no more production? We need to show some proof that we can do the job with what we have before we add any more taxes to our cars. The State is already proposing a seventy-five million dollar (\$75,000,000) increase in fuel taxes and vehicle registration taxes. If you take Kaua'i's portion, it will be about six million dollars (\$6,000,000) to seven million dollars (\$7,000,000) that Kaua'i people will be paying by paying about eighty-three dollars (\$83) more per car. Already, eighty-three dollars (\$83) more per car...our proposals for fuel taxes and vehicle weight taxes, and correct me if I am wrong, is in the neighborhood of ten million dollars (\$10,000,000) to twelve million dollars (\$12,000,000). So, we are going to double what the State is proposing to increase and the State is very close to increasing already.

Councilmember Yukimura:

Council Chair?

Councilmember Kagawa: Is that car going to be increased by two hundred forty dollars (\$240), if it is three (3) times more? Where is the end and where

is the proof that the County actually can do the job with the extra moneys? Are we just going to grow our County larger and larger and still have the backlog of roads and bridges? I think what the public wants, let us see some proof that the Administration and the Department of Public Works can stop doing these bike lanes, walking paths, planters, and everything, and start fixing some of these roads, like Puhi Road and Olohena Road. Let us start doing repaving instead of patching, like Mr. Potato Head. I seriously think that it is time for us, the County, to step up and say, "You know what, we are going to take these existing moneys that we have, nine point seven five million dollars (\$9,750,000), and to the public, we are going to show you that we can catch up and when we show you that, I hope that in the next budget, you folks can look at increasing so we can attack them all." We have not proven our part yet. Until you do that, how can you give them more money? I have major problems with that. Thank you.

Council Chair Rapozo: Anyone else? Councilmember Yukimura. We are going to come back to discussion.

Councilmember Yukimura: I know, but I do not believe that any money from the highways fund was used for Hardy Street or is going to be used for Rice Street. I may be wrong, but I think we need to really verify that. All the moneys in the Highway Fund are used for bus, repaving roads, and for maintenance of the auto shop, signs, and the base yards. Is Council Vice Chair suggesting that we shut those down and just repave our roads through private contracts? I mean that is a whole other thing, but I think there are lot of assumptions here that are very unfounded. Let us have a full discussion in Committee about this or have it right now. Let us ask the Administration because I do not believe we should make decisions based on wrong information. I am pretty sure that Hardy Street was not using Highway Funds. We are only talking about Highway Funds right now. Please, let us at least do responsible fact finding before we make decisions based on assumptions that may not be true.

Council Chair Rapozo: Anyone else?

Councilmember Chock: The Resolution, if not passed, would that invalidate the proposed ordinance?

Council Chair Rapozo: In essence, yes.

Councilmember Chock: Okay. I do want to hear from the Administration of what their opinion is on this direction that is being introduced and also the reasoning behind the fifteen cents (15¢) is what I am interested in.

Council Chair Rapozo: Did you have something to say?

Councilmember Yukimura: So that people can testify based on accurate information, the fifteen cent (15¢) plus the vehicle weight tax increase that I am proposing would generate eight point two million dollars (\$8,200,000) and that is the amount that the Administration has told us that we need in match with Federal funds to bring down that hundred million dollars (\$100,000,000) over ten (10) years. As you noticed, the fifteen cents (15¢) will then sunset, so it is purely for the purpose...and I have an amendment to state that it will only be used for the backlog of road repairs and then it sunsets. We have accumulated that backlog, and if we keep accumulating it is only going to get bigger.

Councilmember Hooser: I just want to go on the record that I understand the need to keep our roads maintained and to maintain a fiscally sound budget, but I am unable to support increasing taxes for local residents at all, right now. I am working on other measures that I hope to present that do not do that, but may generate some additional funds working with other Councilmembers at the time. Thank you.

Councilmember Kagawa: I am curious, two (2) years ago or three (3) years ago, we increased the fuel taxes and the vehicle weight taxes. The fuel tax went up two cents (2¢) and then two cents (2¢) again, in 2013 and 2014. This proposal proposes to raise it three cents (3¢) in one (1) year, right?

Council Chair Rapozo: No. The State's proposals is three cents (3¢), Councilmember Yukimura's proposal is fifteen cents (15¢).

Councilmember Kagawa: Having said that, how much roads got paved after we raised the vehicle weight taxes and the fuel taxes two (2) years ago until now? On that list, the hundred million dollar (\$100,000,000) backlog, roads in dire need of repairing, how much did we do at that time? When we told the public we are going to tax you more because we are going to tax the users of the road, and the answer is zero. The proof is right there. I do not need assumptions. I see it with my own eyes. I see no roads being done. I hear with my ears from the public, "When are these roads going to get fixed?" I think our track record is very poor in fixing roads in dire need and until that changes, I am not ready to support tax increase. We can argue all day and night about what a proposed tax increase would do to our performance, but our current performance shows that we do not know how to repave roads.

Councilmember Yukimura: Council Chair, we are spending two point four million dollars (\$2,400,000) a year on our road repaving program. I believe the Administration can show that. They have been putting out contracts to do it. Every two (2) years they accumulate the money. You know that. They have reported that to us. Now, if you repave roads at one point two million dollars (\$1,200,000) a year, how are you going to get down that hundred million dollar (\$100,000,000) a year bill? If you take too much time, the roads just get worst and worst and the bill gets bigger. You will never catch up because we kick the can down the road for so many years that we have accumulated this huge deficit. I am proposing how to remove that deficit and then once we remove it, how to keep our roads maintained on a preventive maintenance schedule so that we never incur that kind of big bill again. Like I said, we can ignore it, but then we are going to start paying like the City and County people have. We are going to start paying in repairs to our cars.

Council Chair Rapozo: To say that we are ignoring it is not fair. We have not ignored it. We have funded the Administration to pave roads. This Council has constantly funded...

Councilmember Yukimura: And they have paved it.

Council Chair Rapozo: I am speaking, Councilmember Yukimura. The Council has constantly funded the road paving, it just has not gotten done. So what do we do? Do we give them more money? Councilmember Yukimura, I have the floor, relax. This has been discussed time and time again and we have not spent the money. The State has not spent the money that the Federal government has given them. We are in bad shape. I agree with Councilmember Kagawa. You do not

throw good money after bad. That is where I am at. Let me do a presentation real quick before the public and the administration comes up because I think it is important that the public sees actual numbers that this proposal is suggesting. I am going to go through this. This is what is being proposed...and I am going to combine them all because I did not want to make different presentations. If you look at the State right now, they are looking at...and these have all passed...These all passed yesterday through the Senate, so you may want to contact your Senator and House of Representatives. Registration fees are up from forty-five dollars (\$45) to seventy-six dollars and fifty cents (\$76.50) per vehicle, which is a seventy percent (70%) increase. Vehicle weight tax up to four thousand (4,000) pounds will go up a penny. Again, it is all going up a penny a pound, but it is based on your weight. The percentages obviously fifty-seven percent (57%) for the smaller vehicles. Fifty percent (50%) for the medium vehicles and large vehicles, forty-four percent (44%). Now, it is not ironic that we keep saying the heavier vehicles cause the most damages, but they are getting the least impact. So, the bigger your truck, the less impact—makes no sense. On the County, we are going from two cents (2¢) to three point three eight (3.38), which is a sixty-nine percent (69%) increase.

Fuel tax, the State is proposing a three cent (3¢), not bad, a nineteen percent (19%)—now, this is on top of their already sixteen cents (16¢), therefore we are going to be paying nineteen cents (19¢). And look at the County, in 2013, we went from thirteen (13) to fifteen (15). In 2014, fifteen (15) to seventeen (17), and now we are proposing a fifteen cent (15¢) per gallon increase, which is an eighty-eight percent (88%). This is your impacts and this is just the State, and again, this is off of an thirty-five hundred (3,500) pound car, you are currently paying one hundred six dollars (\$106) and this is just the State now, this is just the weight tax and the registration tax. Sixty-three percent (63%) increase for your small car. Fifty-seven percent (57%) for your medium car. The full-size trucks, the bigger trucks, fifty percent (50%). And look at the big, big, big trucks...thirty-three percent (33%). Does that make sense? Absolutely not. It goes against what we have been trying to say. This is our County weight taxes. Sixty-nine percent (69%) again all the way down the line. Everybody is going to get a sixty-nine percent (69%) hit based on the weight tax. This is the combination, the big jolly-old...guess what, you are paying one hundred seventy-six dollars and twenty-five cents (\$176.25) now, and this does not include the twenty-two dollars and fifty cents (\$22.50) that the County already charges you for your emblem, documentation, et cetera. That is not being proposed so I am including that, so in addition, you have to add the twenty-two dollars fifty cents (\$22.50). Look at that, sixty-five (65), sixty-two (62), fifty-eight (58), forty-eight (48), so the bigger truck gets the least impact and the smaller car pays the most. Does that make sense? All what we have talked about, right? I do not need a public hearing. I do not need any more discussion because as Councilmember Kagawa said, Councilmember Yukimura put her thing in the paper. We all received the same E-mails and two (2) people did say they supported the tax increase, but everyone else is jumping on me and ask, "How dare they," because the newspaper put the headline, "Council Considers." Not the "Council." Maybe a Councilmember. That is really what we are talking about. This is the combination of the State and County should the State's proposals pass and the County's proposal pass. Again, I do not need a public hearing. I have heard what I have heard. In 2013 to 2014, did you folks noticed the improvement in the roads? Well, I should say 2012 to 2013, it went up two cents (2¢) and we told everybody...remember it is the same year that the State upped their vehicle registration, so we got the double whammy and now we are going up to fifteen cents (15¢) a gallon. I am sorry, but I cannot support this. I cannot support this on first reading. The other thing this causes is a lot of stress in the community. Everyone here have received E-mails from the lady that said, "I cannot afford to buy

my food right now,” and they have to drive. I have received several of those E-mails and had a lot of people come up to me and ask, “Why are you folks doing this?” I will call up the Administration to hear their position, but this is where I am at. I do not need a public hearing because I already heard from the public. Thank you. I just wanted to make sure that the public understands...of course the newspaper person left, but I want the public to understand what the real impact is.

Councilmember Yukimura: These figures were adjustable and if people feel that the larger trucks can pay more, we can adjust it and lower the tax rate. But the bottom line is how are we going to repave our roads? I have not heard an alternative plan.

Council Chair Rapozo: I think you heard alterative plans from me and Councilmember Kagawa in the last budget. I think you heard me numerous times telling the Administration that we need to consolidate, reduce spending, and look at ways to save money. I think we have brought up a lot of suggestions.

Councilmember Yukimura: They have been very rhetorical suggestions, but I have not seen the actual way that we are going to address the hundred million dollars (\$100,000,000). For example, I have not heard, “We are going to cut here and here and that is what is going to produce the money to repave the roads,” eight point two million dollars (\$8,200,000) a year.

Council Chair Rapozo: Like I said at the last meeting to the Administration, provide us the suggestions for reductions or we will. I would much rather it come from them because they know the operation better than us, but I am sure we can find eight million dollars (\$8,000,000) in the budget to reduce.

Councilmember Yukimura: Every year for the next ten (10) years?

Council Chair Rapozo: I believe we can. First, I do not believe that the backlog is a hundred million dollars (\$100,000,000). I do not believe that we have a hundred million dollars (\$100,000,000) in emergency backlog that we have to deal with in the next...I do not. We have a computer program that said, “hundred million dollars (\$100,000,000),” we heard from Mr. Dill, and we have not really sent out the inspectors to validate the list. That is what we heard. I do not believe one hundred million dollars (\$100,000,000) is where we are at. That is just me, so that is very hard for me to even consider that as a number in this equation.

Councilmember Yukimura: Well if that is the question, let us have a meeting on that because I believe they have done that. It took them three (3) years to get the program and then to develop the process, but we can argue until kingdom come, as to whether that is not correct and then we will not be repaving our roads. If that is the problem, let us verify that first. I was the one who asked the question, “What is the bill,” because I did not know how much money we would need to raise until they gave us that answer. They did give us that answer last year and I thought we vetted that. If people really have doubts about that, let us focus on that. We cannot start to address the problem without knowing what the bill is. What they did not have was a plan to repave. They said they would have it for this year’s budget and they gave us a semblance of a plan as part of the half percent excise tax proposal, which the business community has been supporting. That was going to be based on the hundred million dollar (\$100,000,000) backlog. Nobody questioned that at that point. If that is the question, let us have a full discussion on that.

Council Chair Rapozo: I want to call the Administration up, but does anyone else have discussion?

Councilmember Kaneshiro: I want to hear from the Administration.

Council Chair Rapozo: Yes, but I just want to hear if they support it or not. I do not want to go into the road repaving schedules because we can do it at another time. I just want to know if they support it or not.

Councilmember Yukimura: Council Chair, I would like to have them at least be able to verify some of the assumptions or facts that have been thrown around on this table, which I would like to do in Committee as it is appropriate, but this Council is not even allowing it. In the article, I was trying to be fully disclosed so that people would really know what the issues were. I hope people are not criticizing me for making that guest editorial and I also said that there will be a public hearing at a later date. People may be wanting to testify. Why are we not allowing people that opportunity and hearing from them? If it is for real, if the hundred million dollars (\$100,000,000) is for real then what is the solution? I would love to hear Councilmember Hooser's proposal, but how do people judge whether this is what we have to do if there is another proposal, but it may not pan out. We need to have that full discussion about what the alternates really are.

Councilmember Kagawa: My alternative is not to raise the bus budget by one penny. My other proposal is possibly to increase property taxes for the hotel and visitor industry if the State refuses to give us the recommendation of the Task Force Group, which said that we should get nine million dollars (\$9,000,000) in addition to what we received last year as our fair portion. I have some solutions, but it will come during the budget and we will see how much taxes I may propose or not. We will see. We still have the budget to go through to see how much we can cut. I think we have some very aggressive Councilmembers now who realize that we are at the point that to be sustainable, we will need to cut government waste first before we decide to tax or to cut programs. I think we have talked about cutting government waste for a while, so that is my first plan of attack. My first plan of attack is not, "We are fine, let us tax more." My first plan of attack is, "Let us see what we can make county government more efficient first before even considering any tax.

Councilmember Yukimura: Well, then, why not keep this bill alive if there are other sources? Then the proposed tax can go from fifteen cents (15¢) to five cents (5¢), or we can increase the heavy truck tax by two cents (2¢), and then bring down the fuel tax. The Finance Director has a program that shows us how we can do that because if you say raise the hotel/resort property taxes, what is it going to take to generate eight million dollars (\$8,000,000)? Is that really a viable plan or not? Could a combination of different taxes that fall on different groups be the better way? Why do we not keep an open mind to see what that combination will be?

Council Chair Rapozo: I am going to stop you there.

Councilmember Kagawa: I just wanted to answer her question on the hotel room tax.

Council Chair Rapozo: Yes.

Councilmember Kagawa: The Maui County is by far the highest of all the Counties. A proposal to raise the hotel room tax and generate approximately

twelve million dollars (\$12,000,000), we will still be under Maui's hotel room tax rates.

Councilmember Yukimura: We have to hear from the hotel people as well. If it is a viable plan, I am willing to withdraw the Bill. People can claim that there are all these alternatives and then when we actually look at them, they are the most viable.

Council Chair Rapozo: I think in all fairness, some Councilmembers feel that your proposal is not viable, Councilmember Yukimura. It is just the way it is. You put it on the floor, it goes through the process, and then it lives or dies. That is how it works. That is what this system is like. In response to Councilmember Kagawa's, "We have to talk to the hotel people," yes, we have to talk to the hotel people and do you know what we have to tell the hotel people? "Call your State legislatures, the people that are holding our TAT. Go and talk to them and tell them to release it. Give us our fair share." In this year, with the GET alone the State is going to pocket more than ninety-two million dollars (\$92,000,000) because they underestimated what the gross sales would be in the State. Do we get that? No. That is what we tell the hotel people. We are sorry, but rather than tax the hell out of our people. We are going to have to tax the people that are causing the impacts, which are you, and if you do not like it, then you need to call Ron Kouchi, Derek Kawakami, Dee Morikawa, and Jimmy Tokioka. You need to talk to them because we cannot shoulder the burden of the State any longer. That is what I am trying to say. The State was generous—only a three cent (3¢) raise. For some reason, I feel like we had this same discussion a few years ago where it was piling on. Somebody talked about piling on and in fact there was an issue and we had to get a legal opinion on "piling on" taxes. I do not know if we even fit into that this year, but the State has to at some point have to come up and say that they have an obligation to the Counties and not just Honolulu. That is where I think we are losing the battle and that is where we have to put that pressure. I am not sure if the Administration is prepared to come up and take a position on this today, but with that, I will suspend the rules.

There being no objections, the rules were suspended.

NADINE K. NAKAMURA, Managing Director: Good afternoon. Nadine Nakamura, Managing Director. Before we get to your question, can we just address some of the questions or comments that were made? We want to provide some clarification.

Council Chair Rapozo: Sure.

Ms. Nakamura: One of the questions was, how much of the Highway Funds have we actually used to repave our roads and fix our bridges? I wanted to ask Lyle and Ken to help answer that question.

LYLE TABATA, Acting County Engineer: Good afternoon, Members. Lyle Tabata. The entire roads Highway Fund budget is about fifteen point four million dollars (\$15,400,000) of which three point four million dollars (\$3,400,000) goes to the auto shop. The auto shop's share...and this all have come up since the Auditor's findings and we have complied with the Auditor's finding since 2012. We have carved out all the General Fund cost, so what I am speaking to is directly the Highway Fund cost. Of the three point four million dollars (\$3,400,000) that is designated through our shop is about sixty-eight percent (68%) of the operational cost that is incurred in Highway's for roads and bridges. That leaves us approximately twelve million dollars

(\$12,000,000) for the Roads Division. The Roads Division consist of administration, which administers the programs for maintenance that oversees the island-wide resurfacing, bridge maintenance, and the coordination between Engineering and the Roads Division for the two (2), and I will clarify, the two (2) types of road maintenance that we do. We also have our baseyards. The bas yards consists of the daily roadside maintenance that you see, which includes pothole repairs, mowing of the roadside right-of-way, and also addressing right-of-way intrusions from private properties into the County right-of-way. Meaning, all of the trees that we have all over this island. I constantly get requests to remove trees that the County does not own. We have our Administration do all of this fact-finding to determine the property owners and we send them warning letters through the Attorney's Office and we keep sending letters and request for private landowners to take care of their responsibilities. The other part that they take care of in the baseyards are road maintenance. We assist State Agencies. We assist Parks with some of the request that they have. We support Solid Waste until they fully become autonomous. All of those services are charged out to those departments. As you will see, though we have a General Fund budget in Roads, it is very short of what we totally need, so those departments also come up with their own funds.

The other part of Administration is the Islandwide Resurfacing. There are two (2) parts to Islandwide Resurfacing. There is a section that Engineering takes care of, which is the part of where we use Federal funds to resurface, reconstruct, and recondition our collector roads system. That is where we use the eighty percent (80%) federal funds and the twenty percent (20%) County match. There is a lot of confusion out there and I have heard and I would like to make this really clear today that Hardy Street was built with eighty percent (80%) federal funds and the twenty percent (20%) funds that we used, was CIP bond funds. The same thing will be true for the work that we scheduled for Rice Street and any other project that we will do a transition or an improvement, a retrofit to fit improvements for pedestrians, bicyclists, and transit. The other part of Islandwide Resurfacing that we did do recently was just straight collector road resurfacing and that was supported by eighty percent (80%) Federal funds and twenty percent (20%) Highway Funds. Those were the streets of Kawaihau, Olohena, and Mailihuna. The part of Islandwide Resurfacing that is local roads is hundred percent (100%) Highway Fund and that does not receive any federal funds. That money comes from the one point two million dollars (\$1,200,000) that was designated to us every year for Islandwide Resurfacing. When Mr. Dill and I came in, we had not resurfaced for a number of years and I believe that is the statement that keeps coming up over and over—it is monotonous—that we have not been resurfacing. Since we have been onboard, we are now in our second resurfacing campaign, which was recently completed. The first year that we resurfaced, we had five point eight million dollars (\$5,800,000) and we resurfaced a little over fifteen point three (15.3) miles. I am surprised that I am remembering this. Our recently finished campaign, we just resurfaced seven point eight (7.8) miles with four point four million dollars (\$4,400,000). So, you saw the difference between having five point eight million dollars (\$5,800,000), a little over fifteen (15) miles and just a little over four million dollars (\$4,000,000), we got seven point eight (7.8) miles. When you say, "How many miles can we resurface," it depends on what percent we select as roads that need to be totally reconstructed and roads that just need to be overlaid. Previous to Mr. Dill and I coming onboard, we did not address the shoulders of roads and in the recent campaigns, the last two (2), we had input into those contracts, the shoulder maintenance, which are additional costs that the County will have to address. We tried using just our baseyard crews, but before we took refuse out of Roads, we were having to support refuse, and every day when you come to work you would like to set a plan, but when you do not know where your people are going to be and it is hard to

follow through with your plan. What we have been doing is contracting these out. Now that refuse is out of Roads and in Solid Waste entirely, I believe we have become more stable and moving forward, some of the efforts that we are going to be putting forward should make an impact. Those are the two (2) road resurfacing programs we have, collector road and local road. The big key is that with the local road standalone, combined with the collector road we did a plan with the one-half percent (0.5%). The one-half percent (0.5%) would have yield about eight million dollars (\$8,000,000) a year that you all well know, to help us touch every single road that the County is responsible for in those ten (10) years. I do not have it exactly with me, but it would be less than ten (10) years we would have completed that. If we were to stay at the one point two million dollars (\$1,200,000) a year status quo that right now we are carrying over to the second year, so we get at least two point four million dollars (\$2,400,000), it would take us forever. My grandchildren will still be trying to recover catching up with those roads. At that rate, before we can get to roads to do preventative maintenance or predictive maintenance, the roads would be falling apart, as we try to catch up. I believe we did a spreadsheet that drew out over thirty-five (35) years and we still did not touch everything because we would have to go back and go back and double back. That is why we felt with the half percent, we would have a fighting chance. Now, if we reduce back to the quarter percent and we still are able to fund our resurfacing with something close to eight million dollars (\$8,000,000), I believe within the ten (10) years, we should be able to touch everything.

Council Chair Rapozo: I have a quick question. Fifteen point four million dollars (\$15,400,000) is what the Highway Fund generates?

Mr. Tabata: That is what is predicted for this year, but it has been declining every year as people use high-efficiency vehicles, electric vehicles, hybrids, and so forth. That has been declining. I believe that when the price of gasoline was high, a lot of people abandoned vehicles and started using the bus or bicycle.

Council Chair Rapozo: Or smaller cars, too. Some people went from big cars to smaller cars.

Mr. Tabata: Higher fuel efficient. Right now, the State and the federal government are looking at converting from a vehicle fuel tax to vehicle miles travel, so that everybody pays because the people who own electric vehicles do not pay fuel tax, but they pay the vehicle weight tax and licensing charge. I do believe vehicle miles traveled would be the right way, but how do you track that every year? That is what they are wrestling with right now.

Council Chair Rapozo: And then you mentioned that some of the funds go to the Solid Waste Division?

Mr. Tabata: No, so the auto shop services them too and they pay their share. The three point four million dollars (\$3,400,000) budget that Highway Fund funds the automotive shop, that is not all the money they need, so they get from the Solid Waste Fund.

Council Chair Rapozo: Right.

Mr. Tabata: And then we get fed more from the General Fund so that it makes them whole. I am sorry, I did not add all of those funds up to add up to the total auto shop budget.

Council Chair Rapozo: What would it take to increase the allocation to Roads from the fifteen point four million dollars (\$15,400,000)?

Mr. Tabata: We need to collect more revenue. That is all I have.

Councilmember Kagawa: You said that we paved five point eight million dollars (\$5,800,000) two (2) years ago and four point three million dollars (\$4,300,000) last year?

Mr. Tabata: Two point four million dollars (\$2,400,000), I am sorry.

Councilmember Kagawa: Two point four million dollars (\$2,400,000) when?

Mr. Tabata: Just recently completed.

Councilmember Kagawa: What did we pave? Mailihuna?

Mr. Tabata: That was a collector road. For Islandwide Resurfacing, we had two point four million dollars (\$2,400,000).

Councilmember Kagawa: Did we use it?

Mr. Tabata: Yes, we just completed it in December.

Councilmember Kagawa: What roads got paved?

Mr. Tabata: I do not have, but we can get that to you.

Councilmember Kagawa: I want a list of all the roads that we paved in the last four (4) years. I heard before that we did not pave last year because we were waiting for it to pile up and so now that you said you folks are paving every year...

Mr. Tabata: Yes, in the last year...so it is like every other year we prepare in 2015, we go to contract, and between the end of 2015 to 2016, they did all of the paving. So, we just completed, I believe, in January. I am talking about the seven point eight (7.8) miles.

Councilmember Kagawa: The CIP bond fund, you are talking about we floated a bond to pay that?

Mr. Tabata: No, that was money that we had in the bond already, so we have three (3) bond sources and we have been using the funds to fund these various sources that...when we came to the budget last year, we showed where all that money...

Councilmember Kagawa: So, if we...

Mr. Tabata: But the Hardy Street project started three (3) years ago, so that encumbered about three (3) years ago.

Councilmember Kagawa: So, if you decided that some of these roads are in dire need and needed to be fixed tomorrow, could you use the bond fund moneys or do you want to save it for matching?

Mr. Tabata: We have it designated and you will see when we come for the CIP portion with Mr. Suga. Most of all the bond is designated and say if we complete the construction project and we did not use all the funds, which we have been lucky to have in the last few years, that money then gets reentered back into the bond and then we will come back and we re-appropriate them to accomplish more projects.

Councilmember Kagawa: In closing, I do not want you to take it personally, but when we asking our residents that we are going to severely increase your vehicle weight taxes and fuel taxes, some of us need to see some proof that we actually going to spend it wisely.

Mr. Tabata: We have.

Councilmember Kagawa: Before we just tax the people. You may think you are spending it wisely, but many in the public feel like there is waste going on.

Mr. Tabata: When we did that assessment in 2010, we picked the hierarchy, the worst to the best. We are starting with the worst roads and we follow-up the computer printout with actually going road to road and that is what Mr. Michael Lingaton does. We are lucky to have him. He came over to us from the paving industry and he takes every single road and pretty much every square foot of the road, evaluates, and makes adjustments. Say we have a section to reconstruct, he determines x to y is going to be constructed before and after we can just resurface. Then we have also done what they call "cold planing," to lower the surface so that we do not have the road way higher than the people's shoulders and then you have driveway problems. I have encountered people complaining about that previously and that was way before we came that those types of techniques were used. Everywhere where we have had people complain, when we go back, we had done that. We lowered the surface by cold planing. That cold planing that is being used is reused, which lowers our cost also. We are able to reuse the material.

Councilmember Kagawa: Thank you. (Inaudible).

Mr. Tabata: No, we use that. They take it back to the batch plant and they reprocess. We do a detailed analysis when it is time. After we do the preliminary selection, Michael goes through and then we go through over what he does because we are spending the people's money and we take that seriously.

Council Chair Rapozo: Councilmember Hooser has to leave. Did you have some questions?

Councilmember Hooser: Yes. Councilmember Kagawa was talking about the roads that you have done and the money you spent, but I am interested in the roads that you are going to do. Can we get a list of those?

Mr. Tabata: That list was shared with you when we did the GET presentation.

Councilmember Hooser: The ones that you are going to do this year?

Mr. Tabata: We are presently finalizing that list right now. I believe it was sent forward.

Councilmember Hooser: As long as it is in priority order. I am looking to see what is next on your list.

Mr. Tabata: Exactly.

Councilmember Hooser: So, that was sent to us?

Mr. Tabata: Yes, it was in this...in attachment "D," and you can see the three (3) year budget, from 2018-2020. We just made it from when the GET would have kicked in, which was 2018, and so the roads that we are working on presently, we can get that to you.

Councilmember Hooser: Okay.

Mr. Tabata: And then for Councilmember Kagawa, we will get what we have done in the last two (2) resurfacings.

Councilmember Hooser: Okay. I think it would be useful for me to look at them and drive around and see the condition. I hear a lot of talk from the community about how bad the roads are and I would like to see firsthand. I drive them every day like everybody else, but the ones that bother me the most is Kūhiō Highway. But the interior roads, I have not seen the very bad condition. I must be driving on the wrong roads, so I will take the list and do an inspection. Thank you.

Council Chair Rapozo: Keep in mind that this is not the GET. This is an additional fifteen cents (15¢) a gallon, which I wanted to get from the Administration if this is what you support or not.

Mr. Tabata: For me, I just spend the money.

Council Chair Rapozo: Yes.

Mr. Tabata: And I will tell you that we do an extensive research to spend it wisely.

Council Chair Rapozo: I appreciate that.

Mr. Tabata: Yes.

Council Chair Rapozo: Ms. Nakamura, did you have a position on the fuel tax increase?

Councilmember Yukimura: I have questions for Lyle, please.

Council Chair Rapozo: Again, I do not want to get into the whole thing about road paving and road...because this is...

Councilmember Yukimura: Well, I am sorry, but he has been reporting on that and I would like to ask the questions, please.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: Lyle, just to confirm, no Highway Fund moneys are used for non-highway purposes like Parks and Solid Waste.

Mr. Tabata: Exactly and we have been toiling with how to serve everybody and I constantly get calls and I have to tell people no because I do not have it in the budget. We try to budget the best we can unless they can come up with money.

Councilmember Yukimura: And then the eight point two million dollars (\$8,200,000) that you folks projected, as needed, to eliminate the hundred million dollars (\$100,000,000) over ten (10) years includes bridge repair as well?

Mr. Tabata: Yes.

Councilmember Yukimura: And then you said there are two (2) pots of...

Mr. Tabata: Oh wait, I am sorry. No, the eight million dollars (\$8,000,000) was just for local roads and collector roads and I believe the bridges section...

KEN SHIMONISHI, Director of Finance: Yes, that is correct. The eight point six million dollars (\$8,600,000) were to address the needs of the local and collector roads, also bridge repairs, but also assuming that we would get federal dollars to match all of those projects and those initiatives to make up the hundred and four million dollars (\$104,000,000) in roads as well as the twenty-four million dollars (\$24,000,000) plus in bridges.

Councilmember Yukimura: You said it was eight point six million dollars (\$8,600,000) that you need.

Mr. Shimonishi: I believe that was the number, correct.

Mr. Tabata: It was twenty percent (20%) match for our bridges.

Councilmember Yukimura: So, it does include the bridges, but assuming the federal match.

Mr. Tabata: All of our bridges are qualified at twenty (20) feet or longer that get federal aid.

Councilmember Yukimura: Okay. Great than twenty (20) feet. Then, you described two (2) pots of resurfacing money. It is the collector roads that...one (1) pot is the collector roads that qualify for the federal eighty percent (80%).

Mr. Tabata: Yes.

Councilmember Yukimura: So, it is actually only twenty percent (20%) of the bill is County money.

Mr. Tabata: Yes.

Councilmember Yukimura: And then the other pot is the County roads that do not qualify for federal money, therefore it is hundred percent (100%) County moneys.

Mr. Tabata: Yes.

Councilmember Yukimura: Do you have a priority list that makes up the hundred million dollars (\$100,000,000)?

Mr. Tabata: Yes. That was in the report that submitted to you.

Councilmember Yukimura: Okay. You have come about the hundred million dollars (\$100,000,000) with a pretty detailed analysis.

Mr. Tabata: So, that was done in 2010 and so in this year's budget you will see that we are requesting money again to redo that survey done in 2010.

Councilmember Yukimura: Or update it, basically.

Mr. Tabata: Update it, yes, to include now the roads we have resurfaced in the last two (2) terms and the collector roads that we resurfaced.

Councilmember Yukimura: And the roads that you have resurfaced, you are now treating them in a preventative maintenance context so they do not deteriorate again.

Mr. Tabata: Yes. We are presently in this next Islandwide Resurfacing taking a percentage of money to do slurry seal that you saw on Hardy Street. That is what you call slurry seal. That is like the preferred preventative maintenance used today.

Councilmember Yukimura: Okay.

Mr. Tabata: The City and County of Honolulu has and Maui County has done that extensively. Compared to the City, they spent hundred thirteen million dollars (\$113,000,000) a year for resurfacing program, which is includes a variety of all of the products that I have mentioned.

Councilmember Yukimura: When you mentioned Olohena and Mailihuna, they are collector roads that were eighty/twenty (80/20) match?

Mr. Tabata: Yes.

Councilmember Yukimura: And so you are going to send us the list of the roads that have been paved...

Mr. Tabata: I will send the list since Mr. Dill and I arrived in 2010.

Councilmember Yukimura: Okay, so you have been...since you folks arrived, and I am thankful you arrived, that you have been actually consistently repaving based on the money we have.

Mr. Tabata: Yes.

Councilmember Yukimura: And the money has been since, four (4) years ago, one point two million dollars (\$1,200,000)?

Mr. Tabata: A year, and we hold off to pave every other year to get a critical mass that will...

Councilmember Yukimura: Right, so we are not going out to bid with small amounts.

Mr. Tabata: From what we have been told by the paving companies is that to bring their machine in to do the cold planing so we can recycle material and lower our cost, needed a larger critical mass than one point two million dollars (\$1,200,000).

Councilmember Yukimura: The one point two million dollars (\$1,200,000) supplies the two (2) pots that you have been talking about.

Mr. Tabata: It depends on the project, like I said. For example, the roads like Hardy Street and what we are proposing for...

Councilmember Yukimura: But those are not repaving projects.

Mr. Tabata: No, so those are "repurposing," I guess is the word. We use the CIP.

Councilmember Yukimura: They are not repaving projects.

Mr. Tabata: Yes. Not straight repaving.

Councilmember Yukimura: And you are not using Highway Fund moneys for that.

Mr. Tabata: That was our CIP and we were using Highway Fund for, like I mentioned...so our straight collector road projects were Olohena, Mailihuna, and Haua'ala.

Councilmember Yukimura: Okay. The Hardy and TIGER grants were grants that were approved by the Council.

Mr. Tabata: Right.

Councilmember Yukimura: Bond moneys.

Mr. Tabata: We have more roads for collector that we are including in the next resurfacing program.

Councilmember Yukimura: Thank you very much.

Councilmember Chock: I think Councilmember might have answered my question.

Council Chair Rapozo: I mean, she should have answered them all.

Councilmember Chock: If this body or we collectively were able to secure four point three million dollars (\$4,300,000), it would take us twenty (20) years to accomplish in the resurfacing of our roads the collector and islandwide roads. Is that correct?

Mr. Tabata: I do not think I can answer that straightly because the longer we draw out, the preventative maintenance is going to have to be accelerated and I do not know if we will have enough to touch everything in twenty (20) years. It might be longer. I am kind of modeling what the City has done and they have committed to put hundred million dollars (\$100,000,000) a year. They have been able to learn from that program and accelerate some of their work. They are ahead of their original plan. So if I say it is going to be a twenty (20) year plan, but once we start going and we build steam and the program is collectively in motion and then it just becomes repetitive, there is synergy in having learned what we have been doing, you get better at it and you improve.

Councilmember Chock: So the eight point six million dollars (\$8,600,000) is really for the snapshot of ten (10) years. Is that what you can commit to?

Mr. Tabata: Yes, that is what we are committing to. That would be doing it in a shorter period of time that we were allowed and that is what we calculated it as.

Councilmember Kualii: Lyle, I thought I heard you say two (2) different sets of numbers, so I just wanted to be clear. You said the first year, five point eight million dollars (\$5,800,000) at fifteen point three (15.3) miles and then you said in the second year, which was the most current...

Mr. Tabata: Two point four million dollars (\$2,400,000).

Councilmember Kualii: Originally, you said four point four million dollars (\$4,400,000) and you are correcting it to two point four million dollars (\$2,400,000)?

Mr. Tabata: Yes. My mind was thinking faster than my mouth.

Councilmember Kualii: I just wanted to make sure. Thank you.

Councilmember Kaneshiro: You had a comment earlier today and I just wanted you to confirm because I was able to get the Highway Fund numbers, but the comment was that there was about two million dollars (\$2,000,000) that was not spent in Highway Fund, but I think the reason for that was because we were in that year where we were not spending and then...

Mr. Tabata: Right, we transferred it to this year.

Councilmember Kaneshiro: And we are spending it this year.

Mr. Tabata: Yes, we are.

Councilmember Kaneshiro: Okay.

Mr. Tabata: We have.

Councilmember Yukimura: The hundred million dollars (\$100,000,000) a year that the City and County is spending on repaving its roads, it is basically for maintenance of its roads rather than new roads, right?

Mr. Tabata: Yes.

Councilmember Yukimura: Is that a recent development?

Mr. Tabata: The last three (3) years they have done that. Mayor Caldwell had committed and that is what he mentioned last week Monday and I called people to confirmed, and they said, "Yes, that is what we are doing."

Councilmember Yukimura: Right, and as I recall, the roads got so bad that it was a big election year issue. People were furious and talking about how their cars were being damaged, so Mayor Caldwell took on this big commitment, but they raised their fuel tax and weight tax, I believe.

Mr. Tabata: I am not aware.

Councilmember Yukimura: In order to generate that amount? I am pretty sure because the thing about them is they have multimillion cars.

Council Chair Rapozo: Any other questions? If not, thank you very much. Do we have registered speakers? Anyone wishing to testify on the Resolution? This is the fuel tax increase. We have the Bill as well coming up. If we can just take action on the Resolution, we can get to the B&B because I believe the B&B Bill is next. I really appreciate your patience here. Let us take care of the resolution and then we can move on to B&B and wrap up the rest of the tax increase bills. We still have a bunch of Executive Session as well. My plan is to finish everything tonight and not have any more deferrals. The fuel tax, you are required to have a bill and a resolution. Right now, we are on the Resolution. Obviously, if the Resolution does not pass, it pretty much makes the bill moot because you need both. We are dealing with the Resolution right now. When we are done with the Resolution, we will get to the B&Bs so we can get to the public testimony, and come back to the bills for the vehicle weight tax and the fuel tax, if necessary. With that, discussion.

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: I have not heard a plan yet that is going to address the backlog of road repair. I am very open to other alternative ways. If there are other alternative ways, it has to be a sufficient amount of money or it is not going to eliminate the backlog. We may want to do a combination of funding sources. I was trying to defer to the people who have big trucks and not give them too much either, but I actually have a submittal called, "List of car curb weights" and a paper showing

that road damage is exponentially greater, like twenty (20) times more when the trucks are heavy. We could amend the bill to increase the weight on...I think it actually would be a fairer reflection of damage that is done to the roads. If there other sources like hotel room taxes and so forth, that is fine, but until we have a plan, I think we need to keep all possibilities open. It is only fair to at least allow it to go on first reading. For those of you around this table who after the full discussion decide that you cannot do it, you can vote against it, but to not go to public hearing is to make the same mistake we did when we killed the vehicle weight tax on first reading. It did not even get a full public discussion. We need to look at these, all these possibilities. If we could just keep it alive to a public hearing, I think that is the most fair way to address or give us options for addressing this.

Councilmember Kaneshiro: I will not be supporting this. My plan, as it has always been, is to look at GET and that is what we have been going through and that is what we have been moving towards. I have mentioned it many times, GET throws a large net over everybody, it includes visitors; therefore, we are able to spread the tax over a wider base of people. If GET does not pass, then I think we may need to look at other options, which is going to reduce the base of taxpayers. It may be hotel, vehicles, fuel, homeowners, but whatever it is, it will reduce our tax base. For me, I want to see GET go through first and if it fails, then we will look at what we do. But by proposing this, having GET saying, "Maybe a portion of the GET will pay this, vehicle weight will pay this, and fuel will pay this," we are really convoluting the whole thing because we do not even know if GET will pass. We should look, wait, and work on GET. If GET does not pass, then we look at other options. If GET passes then that is the plan. We have the money for the roads that we want to repair. That is just my own opinion. We look at users of the roads and how heavy our vehicles are. The heaviest vehicles are the vehicles bringing produce to the stores. So, do we want to increase the tax on them the most? You know it will get passed on also. We are in a bad situation and I think we have been kind of beaten to the punch and I do not think that it is in our right sense to say, "The State is going to pass all this stuff, maybe we should hurry up and pass our own right now." I think we should sit back, we concentrate on GET, which spreads the tax over a wider tax base, and if that fails, then we need to look at other ways to fund our roads. I have been taking a step forward on the GET and I do not want to see taxes, but I do not want to see us kick the can down the road. I think if we continue to down this road of, "If GET passes, then we will use this much in fuel and this much in weight, and this is how much in total we have," it is kind of like we are guessing because we do not even know if GET is going to pass. I do not want to see this through right now. I want to see GET through and whether GET passes or not, then we see what we will do and see what tools we have. That is just my own opinion.

Councilmember Kualii: I am going to come forward and say that I cannot support this as well. It is such a large and drastic increase. I accept that we need to figure out a way and that we need to engage our citizens on the reality of there probably needs to be some tax. To me, any kind of tax, even if it is spread out over five (5) or ten (10) years, if you are talking about eighty million dollars (\$80,000,000) to one hundred million dollars (\$100,000,000), let us engage the citizens and let them be part of the decision. One of the testifies said something today about letting the people vote on it and so my idea is to pursue seeing how the people could vote on such a big thing as...and they will decide if the roads are bad enough and they want to fund it to repair, resurface, and do what needs to be done, then they will vote for it. Let us put it in their hands. I know it is in our hands at this time, but we can vote on a charter amendment that would give them the right to vote. Maybe it does not work out timely for the GET, but there is probably a way around that too and I

will pursue that as well. I am not ready to raise vehicle weight tax, fuel tax, or any tax in such a drastic measure. Especially when the Council Chair has already shown us all the numbers from the State. At least some of the State's increases are not...we cannot pile on. When you think about it too. As an impact on our people. I recognize that, yes, we have to deal with this and I have always been one that says, "Budget time," but we have never done it. This Council has never done a solid job of really being serious about cutting the budget where we can. I do not think our budget is as lean and mean as it should be. I do not think it has ever been. I do not know for sure because I cannot go back that far. Come the budget session, we have to be more serious about and one way that we will be forced to be more serious is if we do not take the easy way out and raise taxes. But such a drastic tax of eighty million dollars (\$80,000,000) to one hundred million dollars (\$100,000,000), even if it is spread out over time, I think the voters should have a chance to vote on that, too. I will be pursuing that option.

Councilmember Hooser: As I stated before, I will not be supporting any tax that impacts local residents. That includes the GET, which impacts everybody and includes the vehicle weight and gasoline fuel taxes, even though if I was going to choose between the two (2), they are more directly related to the immediate issue. I believe our taxpayers are paying far too much every year without exception taxes have gone up. It is time for the local residents get a break from that and my plan is similar to Councilmember Kagawa's plan, which is to look first at increasing efficiencies and lowering cost of County government, and then if necessary, raising taxes on the visitor industry and not on local residents. If the State Legislature had not limited and reduced our TAT funding, we would not be in such a difficult position right now. That is the industry, in my opinion, has a disproportionate impact on our transportation system. Local residents for the most part drive to work and then they drive home. Visitors are on the roads all day long, day after day. A million of them or more during the year. I do not believe they are paying their fair share of either our public transportation system, nor the road system. If we do need to raise revenue to get the job done, then that is who should be paying the bill, not local residents.

Councilmember Chock: Everyone uses the roads and I think that in the end we are all going to have to look at this and see what we can contribute to the shortfall. I am along the lines of Councilmember Kaneshiro when we talk about the order of priority of where we should be looking first and I would add that even before the GET is to consider and get solidified around getting our TAT back. But when it comes to the GET, I think certainly that is where this discussion is focused where we got enough support to continue the discussion. I, myself, am a little bit more open to the fuel tax; however, I cannot support this Resolution based on the amount of fuel tax rate that it is asking for. I would also look at the larger vehicles, commercial vehicles in the vehicle weight tax, if necessary, to try to get to that eight point six million dollars (\$8,600,000) that we need to take care of our *kuleana*. Along with all of those, if we spread this out along the lines and also with our visitors where I will be looking at increasing, especially if the TAT does not go forth, I will be putting a lot more time and energy in that area to get the funds that are looking for. Thank you.

Councilmember Kagawa: For me, it is looking at the track record of what we have doing in recent years, talk to the public that use the areas, go ask Mr. Ikeda across the street that has been there in business for so many years about the changes that we have made with the money we had...I do not care if it is coming from the Bond Fund, Highway Fund, or the General Fund. It is about performance and priorities. Ask residents who live on Hardy Street. Ask parents who pick up their children from Wilcox Elementary School about reverse in parking and ask them how

they like that. I think you will get a lot of negative answers as I have. Homeowners who have had curbs installed by their homes and planters hate it and I hear it often. It is all about performance and somebody is telling the Department of Public Works that it is a good idea and that with limited resources, those works are priority. We have top engineers all working on those types of projects and Hardy Street is next, which makes it more difficult to turn and makes it more narrow.

Council Chair Rapozo: Rice Street.

Councilmember Kagawa: Rice Street is next, which makes it more difficult to turn and narrow. It is all about performance, as I said, and we are saying that we need more money to pave more roads that are in dire need. I think I need to see a year of performance on focusing on repaving roads for drivers. I do not need to see...I need to see a break from pedestrians and bicyclists because we have dire needs that need to be taken care of before we do all the bells and whistles that we want to see down the line. You do the bells and whistles when you have a surplus or influx of cash. You do not do the bells and whistles when you are broke and you are asking the public to continuously increase your vehicle weight, fuel, and registration fee on your vehicle because everybody is struggling out there right now. The recession is still upon us. I like the confidence of the Department of Public Works. I think Lyle is doing a great job as he steps in as County Engineer, but again, the proof is in the pudding. The public can accept paying more taxes if they see the performance and right now, the public is telling me, "No," and I have to listen to the public. Thank you.

Council Chair Rapozo: Anyone else?

Councilmember Yukimura: The heaviest vehicles do not only carry food, they carry lumber as well to second homes. These vehicles are paying fifty percent (50%) less in fuel costs over two (2) years ago. Even if there is an eighty-eight percent (88%) increase, it is only because we kicked the can down the road for so long. We are still saving money from two (2) years ago. The fuel tax for all residents and tourists will be paying these fuel costs because they fill up gas on this island. You will be getting them too. The rental cars pay vehicle weight taxes, so you are getting the tourists as well. The GET may be spread everywhere, but hurts the poor people the most. It hurts the families that are struggling and I would like to ask us to put up on the screen...I have shown this before, but if you see sales in excise taxes, the lowest twenty percent (20%) by income of our population pays ten percent (10%) in excise taxes. Whereas the wealthiest, the top one percent (1%), pays one percent (1%). Excise taxes are one percent (1%) of their burden. You can see the income taxes are far more progressive, but excise taxes are regressive. They hurt the poorest groups the most. To put the cost of road repair on them rather than on the people who use the roads is not just policy. It is not good or right policy; it has been said that we need to engage the citizens, so let them have a public hearing where they can come and speak about this issue and also where we can talk to each other, educate each other, and go over the different possibilities. If the fifteen cents (15¢) is too high, make an amendment to lower it and raise something else, but do not kill the Resolution now. We are going to need a vehicle if the quarter percent (0.25%) excise tax...now, that just generates ten million dollars (\$10,000,000). If you use eight point six million dollars (\$8,600,000) for road repair, how are we going to expand the bus? Many of you may think it is not important to expand the bus, but I just showed you earlier today that it is one of the needs to reduce traffic congestion. We have to think about this. The State increases are not as great because they have...I do not know how many, but probably hundred million (100,000,000) vehicles to tax. We only have a smaller base,

which is why I had to go to such a high percentage to get the amount of money we need to repair our roads. I am open to another way of repairing our roads, but this brings the reality of what we have to do before us and tells you the levels or thresholds we are going to have to receive. Now, if anybody is waiting for the TAT, I am told that it is dead for this year. So, are we going to keep waiting and waiting for them to do a TAT? If the TAT comes, we can reduce the fifteen cents (15¢) or whatever we choose to set, but now is the time when fuel taxes are low. If we keep waiting and fuel taxes go up, the money will go to Saudi Arabia. Now, we can use it instead to repave our roads. Please let us just keep it alive and give amendments. I am open to any kinds of amendments. Put the vehicle weight tax higher, lower the fuel tax, eliminate...kill both bills if you want to, but show me how you are going to pay this bill that if we do not pay, we are going to really put it on our kids.

Council Chair Rapozo:

Anybody else?

Councilmember Kualii: Because I learned something, I want to correct something that I said. I was talking about "charter amendment," but I meant initiative and referendum. I see by Article 22 in the Charter that the initiative and referendum process cannot be used with regards to the Operating Budget or Capital Budget and any financial matter relating to Public Works, any ordinance authorizes or repealing the levy of taxes. So putting it before the voters is not an option.

Council Chair Rapozo:

Well, the initiation process...

Councilmember Kualii:

But making a tighter budget is.

Council Chair Rapozo:

What that means is that the public cannot initiate that action, but I believe the Council could with a charter amendment. Yes, we will take a look at that. I can almost predict what the outcome of that would be.

Councilmember Hooser:

I just wanted to point out that as urgent as this all sounds, this is not something we cannot do next month or the month after that, or even six (6) months from now. There is no limitation as to when we can introduce revenue bills or measures. It is like the sky is falling and we have to do something today, but I believe we do have time and options to pursue in the coming weeks and months ahead.

Councilmember Yukimura:

Then, we could just defer this to the budget.

Council Chair Rapozo:

We could. I think we know the options, Councilmember Yukimura. We have been doing this long enough that we know the options, but I think you heard from the members of the Council and I am going to utilize this opportunity, I will speak last on this, because we have to move on. I have already heard the votes and it is pretty clear. How are we going to do this? The problems that I hear from the public is more geared to congestion. There are a few complaints about bumpy roads, potholes, and we do a good job at the Department of Public Works at fixing those potholes. I can honestly say that. The problem is really congestion. The complaints that we get from the public is the congestion and this does nothing for the congestion. You ask, "What are the options?" Well the options...we have a two hundred million dollars (\$200,000,000) budget, generally speaking. Five percent (5%) reduction is ten million dollars (\$10,000,000). Ten percent (10%) reduction would be twenty million dollars (\$20,000,000) and that is where it is. You tag the community, the public with an eighty-eight percent (88%) in fuel tax. No, no, no, I think the public wants to see the County once in a while give up some. That is

how I see it. If we are going to ask the community to kick in an extra dollar in their taxes then maybe the County should match that with a dollar. That to me is a lot easier to sell. Councilmember Kuali'i said it the best, "the easy way out." The easy way out would be to raise the tax that way we would not have to figure out what we are going to cut, how are we going to cut a position and tell some unfortunate employee that we have to scale back? "Just raise the tax and let the people deal with it because they have to drive. They will manage. The public will manage. They will get another job or they will get a smaller car." Last week we were discussing raises for the Administration. We were over here talking about possibly giving raises to the Administration and today we are talking about increasing your taxes. We get short memory. I cannot justify that and say, "Okay, we are going to grant these raises, but people, we are going to tax you." Whether the money comes from the General Fund, like Councilmember Kagawa said, it is still County money that has to go...it is the shell-game, "We are going to take it from here and we are going to pay here." So, we are going to raise money here in your gas tax and use that revenue that would have come from the General Fund and use that to pay raises. How are we going to justify that to the people? I have a hard time with that. Councilmember Yukimura talked about the General Excise Tax (GET) being the most regressive tax in the history—exactly right, but you are proposing one today. It is either a good tax or a bad tax and we get that coming up later. Trust me, when you look at our budget and we are going to be there in a couple of weeks, we need to set what money we need to cut, and we set the number. Whether it is ten million dollars (\$10,000,000) or twenty million dollars (\$20,000,000) whatever it is, and we work with the Administration to reach that number. That is how you find the other sources. But just to pile on...I do not think so. I do not think that is the way to do it. I think the majority of the Council feels the same way. With that, the motion is to receive. Roll call.

Ms. Fountain-Tanigawa: Councilmember Chock.

Councilmember Chock: No.

Ms. Fountain-Tanigawa: Councilmember Hooser.

Councilmember Hooser: No.

Councilmember Kagawa: Wait?

Ms. Fountain-Tanigawa: Councilmember Kagawa.

Councilmember Kagawa: The motion is to receive, right?

Council Chair Rapozo: Yes, to receive.

Councilmember Kagawa: Aye.

Council Chair Rapozo: The motion is to receive to kill the Resolution. Let us start all over, please, because I think people thought the motion was to approve. Let us start the roll call all over.

The motion to receive Resolution No. 2016-32 for the record was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Rapozo	TOTAL – 6,
AGAINST RECEIPT:	Yukimura	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) no.

Council Chair Rapozo: Thank you. Let us go to Proposed Draft Bill (No. 2619).

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2619) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS (*Restricting Homestays to the Visitor Destination Areas County of Kaua'i, Applicant*): Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2619) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 6, 2016, and referred to the Planning Committee, seconded by Councilmember Kuali'i.

Council Chair Rapozo: Thank you very much. With that, I will suspend the rules and to the long waiting public, I apologize, is there anyone signed up to testified?

Ms. Fountain-Tanigawa: We have one (1) registered speaker, Anne Punohu.

Council Chair Rapozo: She left. Anyone else wishing to testify?

ALEXIS BOILINI: Alexis Boilini. I know everyone is tired, I am too, I do not know how you folks do this, but there is a couple things that were said in the last segment and I am wondering if it is okay that I address. When you mentioned the language that said, "Homestays operate under use permits," I heard that and that language did not show up in the CZO until Ordinance No. 864 and that was in 2009. That was one of the reasons why we came in to try and get our permits. That was the time also that we were turned away. And again, when the grandfather issue went through, we again, showed up there. I know that language is there and it is like saying there is a waterfall up at the top of Kalalau Trail, but it is not always avail to us to use to get up there, and that is what happened. It was insane during those times, as you know, you talked about it. It was insane when the TVR issue was going on and if you walked in there and asked for anything other than a TVR permit, you were totally turned away because of it. To this day, when we called in just the other day a Planner said to us that, "If you would have called in at that time and you got me, I would have said the same thing when you walked in because it was insane, but you did not ask the right questions." Well, that was not for us to ask the right question. When we went in and we said that we were homestays, they could have said, "Well, you are a homestay, so you are not going through this process. You need to go through this use permit process." We never got those answers. I think it was on June 21, I heard Mr. Hull from the Planning Department say that after extensive investigation they have not seen any proof that we actually came in and were turned away. I know I brought in to several of you two (2) documents, one (1) was a media

release on April 1, 2009 from the Planning Department, which said, "TVRs—we have a permit process for you and so please come in." The second page said, "This does not pertain to B&B and we will deal with you later." I know that I brought that in to several of you and I am willing to do that again. Also, when you would go to the tax office, they gave you another document that said, "Confused about TVRs and Homestays," and it said, "This bill is for TVRs and we are dealing with them and we will deal with you later," and I have that document as well. There is that proof. Another thing I wanted to mention if I had time was that there were some charts in the January...

Council Chair Rapozo: Is there anyone else wishing to testify on this matter? Okay, you can have your second three (3) minutes.

Ms. Boilini: Thank you so much. On January 21st, the word "lawful" was used and I think the Attorney said, "The optimal word is going to be 'lawful,'" so I looked all over and I studied that for the last couple of weeks. The only language I can find for lawful is continuously operating for time certain and pay consistently your GET and TAT taxes. When homestays were shut down, we were told to stop paying our GET taxes and not take any more bookings, but there is also language I found that said, "If you do not pay your taxes for a year and you shut down for a year, you can never get a permit," so my question is...I always wondered why we were being asked to become unlawful in order to then become lawful when I believe we were already lawful to begin with. That is a question I wanted to toss out there. There was also a chart on January 13th that the Planning Director brought in that showed a graph chart of the hotel growth and then the Airbnb swooped way up there, but on that chart was none...we were not there. The Homestays were not there. We would have been a little blip on the bottom. He was asking for funding and you approved the funding, which I would have agreed, too, if I was going after the Airbnb's. We all agree on that because it is a huge problem. You gave them the funding and who was fined? We were fined. We were fined the very next week. We were fined the ten thousand dollars (\$10,000). It is so frustrating for us. Not only was I fined, my neighbor was fined, too, because he is in the same CPR as me and when he called into the Planning Department, they said that his only recourse was to sue me for performance. I looked at the CPR language and it dealt with permits or zoning building deficiency or violations and that other members on the CPR could not get building permits as long as it was an issue. It is not like he had to sue me for performance. He happens to be the only neighbor I have and he had written a letter of support for me for my application. I found that kind of disturbing. To me, it almost felt like, and I do not want to insult anybody, but it almost felt like blackmail and I am sorry to use that language. That is very concerning to me, too. I have the yellow light. I want to thank you very much for letting me speak today and keep up the work on the TAT taxes.

Council Chair Rapozo: Thank you very much for being here.

Councilmember Yukimura: Do you have written testimony?

Ms. Boilini: I am just addressing the concerns that came up today, but I entered...

Councilmember Yukimura: You already submitted...okay. Thank you.

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion?

Councilmember Chock: Council Chair, I am sorry I was not here for the communication, but I did have one short question for the Administration since they are here.

There being no objections, the rules were suspended.

Councilmember Chock: I am just looking at down the road for future expansion within the VDA and I think the question was posed earlier about how we would as...maybe the next General Plan or regional plans are looked at again in the VDAs how they were considered expanding in the future. Should we be looking at differentiating hotels from Homestays, because certainly, they are different in nature and how will that be addressed with this current Bill?

Mr. Hull: Ka'aina Hull, Deputy Planning Director. The draft bill does not further differentiate homestays from hotel units. Obviously, there is a differentiation that the homestays are a residential unit in which the owner lives onsite and self regulates the transient accommodations going on, as opposed to a hotel in which it is a specific room devoid of a kitchen that transients are utilized for transient accommodations. There is a differentiation within the County Code today, but any further differentiation would take further amendments to the definition section of the CZO.

Councilmember Chock: Is there a way to differentiate it, in your opinion?

Mr. Hull: There currently is. There currently differentiated in the definitions portion of the CZO. If additional standards or criteria that further separate the uses or further distinguish the uses, is proposed, that can be (inaudible).

Councilmember Chock: As people have said there is a place for homestays, but if there is a place for homestays, where should it be in relation to the VDA? If we are going to be looking at identifying specific areas for homestays in the future, we certainly do not want to open that door up to other types of activities such as hotels. That is where I think the concern has come up for myself and other members.

Mr. Hull: To that point I guess you kind of look at the possibility to throw that idea out there of a VDA 2.0 initially, which would have to be done legislatively.

Councilmember Chock: Okay.

Council Chair Rapozo: Thank you very much. Further questions for Mr. Hull? If not, thank you.

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion? No discussion? This will be in the public hearing on April 6th.

The motion for passage of Proposed Draft Bill (No. 2619) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 6, 2016, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: Next item.

Proposed Draft Bill (No. 2620) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX: Councilmember Kagawa moved to receive Proposed Draft Bill (No. 2620) for the record, seconded by Councilmember Kuali'i.

Council Chair Rapozo: Any discussion? I know we discussed this to death. Public testimony? This is the proposed bill for the County fuel tax increase.

There being no objections, the rules were suspended to public testimony.

Mr. Girald: Robert Girald. I have been sitting back and thinking about the fuel tax and I think that there should be some consideration when we talk about the fuel tax on larger vehicles. I think there are multiple effects on it because for one thing the miles per gallon on large vehicles are way less than the smaller cars. If you take the miles per gallon. Compounded with that is the whole idea of the commerce is to remove the commodities off the airports or piers as soon as possible because of the congestion and other concerns and issues that are down there. All of these industries are moving commodities away, so I am thinking without that, it would be a greater impact on the roads because you would have all of these vehicles; you, me and everyone else going down to like a mega-Home Depot, mega-Walmart, and mega-Costco to get our commodities down at the pier. In looking at this and saying the heavy vehicles should be taxed more than where it is if anything happens, but I think that some consideration should be made into these areas. The concern is that people are waiting in traffic like anybody else, they are all burning gas and you required to get more gas and pay more fuel tax. The biggest thing for me is that there should be some consideration as to the other fact that maybe except for Puhi Road, most of the heavy vehicles are traveling on State highways because that is where they bring their goods. I would think that they spend more than seventy-five percent (75%) of their mileage on the public on the State highways rather than County roads.

Council Chair Rapozo: Thank you very much. Anyone wishing to testify? If not, I will call the meeting back to order.

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion? If not, roll call.

Ms. Fountain-Tanigawa: Councilmember Chock.

Councilmember Chock: No.

Ms. Fountain-Tanigawa: Councilmember Hooser.

Councilmember Hooser: This is a motion to receive.

Councilmember Chock: Oh, aye.

Councilmember Hooser: Aye.

The motion to receive Proposed Draft Bill (No. 2620) for the record was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Rapozo	TOTAL – 6,
AGAINST RECEIPT:	Yukimura	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2621) – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI
(0.25% Surcharge on the State General Excise and Use Tax)

Councilmember Yukimura: Moved to approve.

Councilmember Chock: Seconded for discussion.

Council Chair Rapozo: Discussion? Do we have anybody in the audience wishing to testify? Let us take the public testimony upfront. You all have heard the arguments for the increase in taxes, so let us just go with the public testimony.

There being no objections, the rules were suspended to take public testimony.

Mr. Bernabe: Matt Bernabe. After all of the discussion today, at the middle ground maybe we should accept the point two five percent (0.25%), but change the language because this disproportionate use of funds going to bike trials, sidewalks, and to all these other things is not the correct ratio of who is using what. I really do think that point two five percent (0.25%) is a compromise to create some revenue so that the Administration can get some of the stuff started and prove to the public that they can use the money like big boys and not create bike paths that have zero public process. Let us not forget that some of these projects did not have due process. At the end of the day, we have to create some kind of revenue while we try to champion some TAT moneys. I do not think we should give them the full point five percent (0.5%), but I am at the point where everybody realizes that we have to do something. I will support just the number...

Council Chair Rapozo: Matt, just to let you know we are on the...sorry, you are correct. I am sorry. Go ahead.

Mr. Bernabe: I thought we were on Proposed Draft Bill (No. 2621).

Council Chair Rapozo: Yes, we are. I had a brain poop right now.

Mr. Bernabe: You just threw me off. Anyway, I will sum it up. I read the proposed bill and obviously, we would have to change the rest of the language so that it goes to the roads, right? Whatever the mayor is proposing at the point five percent (0.5%), I think we should replace the Mayor's plan with just that number and maybe we work with that as a compromise to the middle. At the end of the day, I think we all recognize that we have to do something about our infrastructure and give it a timeline and maybe in five (5) years if they can use these funds well, maybe we increase it to the point five percent (0.5%) for the second half. Maybe some members of the public will be mad for me to even suggest that because they are pretty upset with the continuous picking up on the tab for what they view as incompetence and mismanagement. I know we had a lot. We beat this subject up today. I think this is a compromise that at the end of the day, the Mayor and his Administration will have some functioning cash, some equity, while they have a probation to see if they can use it correctly. Thank you.

Council Chair Rapozo: Anyone else wishing to testify on the quarter percent (0.25%)? If not, I will call the meeting back to order. Further discussion?

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: I would like to see this...I guess I did not say this correctly. It was a motion to approve on first reading and set a public hearing.

Council Chair Rapozo: Can you clarify the motion, Councilmember Yukimura?

Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2621) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 6, 2016, and referred to the Budget & Finance Committee.

Councilmember Yukimura: We already have a bill that is at point two five percent (0.25%) and it was a compromise. It was used for any and all public transportation cost defined as roads, transit, and facilities for biking and walking. We have that vehicle. I guess I am asking that we move this ahead to go to public hearing and this Bill that is before us would just be earmark things for transit. I think I have said many times, we have a Multimodal Land Transportation Plan, which is primarily based on expansion on transit and it is a way to begin increase the capacity of existing roads by transferring from single-occupancy vehicles to transit and other modes. We will never get there unless we have moneys to expand transit. If we do it, we will have a much more balanced and effective transportation system. Unless this Council does not agree with that major policy, which was approved by the Council, we need to find a way to finance that plan. This is the way I think we can do that. As I mentioned, the excise tax is such a regressive tax, but when you fund transit, you help the very people impacted save more money. People can save if they ride the bus about two thousand dollars (\$2,000) to twenty-five hundred dollars (\$2,500) a year which would be huge in terms of people's ability to balance their household budget. If they can get rid of one (1) car, and I am not saying get rid of all cars, but if one (1) person in the family can commute by bus to work, they can save eight thousand dollars (\$8,000) to ten thousand dollars (\$10,000) a year. This is a huge boon to our families. If we can make transit more convenience, more frequent, and more available to people who would use it if it were more convenient and

available. I do not know how else we could provide more transportation. I am open to other ways, but we cannot go into the future with the system that we have now.

Council Chair Rapozo:

Thank you.

Council Kaneshiro: I will not be supporting this Bill. As Councilmember Yukimura said, we do have a current GET bill and that bill was reduced to point two five percent (0.25%) and last week we went through a bill that was very similar to this and it did not pass. For me, let us concentrate on the current GET bill that we have. There is no need to have this other bill lingering out there. If people want to testify and say that that we should be spending the money a certain way, they can do that, but this is almost similar to the bill that we killed last week. For me, a lot of the concentration has been on expanding the bus, but me personally with GET, I want to see our existing infrastructure get improved, our existing roads and bridges. A bus expansion—I want to see first that the bus is running as efficiently as possible. If it is, then we can look at expanding, but I have not seen anything showing me that the bus is running efficiently and the bus needs to be expanded. I am very afraid of saying that we will increase taxes, expand the bus, and continue to lose more money. Increasing the tax to cover the bus is the same as losing money. If we raise the bus fee to do an expansion, then you are kind of balancing it. You are using revenue for the bus, but if we are going to tax everybody to expand the bus and still...the bus is subsidized. I provided the numbers last year. The bus has money from the Highway Fund and the bus has money from the General Fund. If we expand it, I have not seen any information on if the bus gets expanded, where is the money going to come from once GET is up. How much more money is the bus going to lose? Is the bus going to make money? I am assuming that the bus is not going to make money. It would be like the more we expand, the more we lose. I am open to seeing a bus expansion, but show me that the bus is running efficiently now. Again, I am not voting for this because we already have a GET bill that is alive and able to be amended and this is a similar to a bill that we just killed.

Council Chair Rapozo:

Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I want to ask Councilmember Kaneshiro if he has read the Multimodal Land Transportation Plan?

Councilmember Kaneshiro:

We are in discussion or question and answer.

Council Chair Rapozo:
read it or you have not.

Yes, she can ask you a question. You either

Councilmember Kaneshiro:

I have not read it.

Council Chair Rapozo:
has any relevance.

It is about that fat, but I do not know if that

Councilmember Yukimura: Because in the plan, the bus system was compared to other comparable bus systems around the country that serve a community about our size. It was found that we were running pretty efficiently. Also, that the fee schedule for the bus needed to be increased on a regular basis up to thirty percent (30%) of the operating cost and there is a plan for it and we have been following it. That is why we have been raising our bus fares every year or every other year. There is a plan that is doing that.

Council Chair Rapozo: Councilmember Yukimura, we are not going to get into the Multimodal Land Transportation Plan right now. You can meet with Councilmember Kaneshiro. He answered your question – he did not read it.

Councilmember Yukimura: Yes. Okay.

Council Chair Rapozo: The discussion today is not about that. It is about the...

Councilmember Yukimura: My discussion today is to say that in response to the points he has made as discussion on this issue and that the roads are being subsidized by a hundred million dollars (\$100,000,000). That is how much we need to have it totally funded.

Council Chair Rapozo: Okay.

Councilmember Yukimura: And so...

Council Chair Rapozo: We are going to move on.

Councilmember Yukimura: The thirty percent (30%), may I please just finish?

Council Chair Rapozo: Councilmember Yukimura, we are going to...you ask him a question and he answered it.

Councilmember Yukimura: No, but this was part of my discussion.

Council Chair Rapozo: No...you can discuss, but...

Councilmember Yukimura: Please, I have the right to talk about this issue.

Council Chair Rapozo: Yes, but you are talking to him and trying to convince him about the bus.

Councilmember Yukimura: No, I am not. I am talking to the entire Council right now.

Council Chair Rapozo: Okay, go ahead.

Councilmember Yukimura: So there is a schedule and like police and like roads, they do not pay for themselves. The bus does not pay for itself, too. It is a service, but it gives great benefits to people who really need it, plus it contributes to road congestion reduction. It is a really important goal for our community that we need to fund as well as road repair and the reason why all these three (3) bills are altogether is because they were part of a plan. I am open to alteration of the plan, but nobody else has really proposed a comprehensive plan for addressing road congestion, road repair, and expanding the bus.

Councilmember Kagawa: I will not be supporting. When you are asked if you support the Multimodal Land Transportation Plan, I do not think you have to get a yes or a no. I think you could say, "Yes, but..." When there are sufficient resources and the County is in a healthier position, then let us proceed and take those

steps. Right now, one could say that the County is the most broke that it has ever been since the '70s. What do you do then now that you are the most broke that you have ever been? Maybe you have to say that the Multimodal Land Transportation Plan needs to go on the side. We need to ease the pain on the taxpayers who are going to get levied taxes from the State this year, in addition to rising costs all over in every aspect of their lives, including college education and what have you. Those of you who have children going to college know how ridiculous those bills are. I think we have to do what we feel is the right thing to do. If you ask me if I support the Multimodal Land Transportation Plan because I want everything to look like Hardy Street is and Eiwa Street is...my answer would be no. I do not want the rest of our island to look like Hardy and Eiwa. Less cement, better for me. Let us keep it rural. We do not need to look like Oregon, Seattle, or wherever we are trying to copy—let us be Kaua'i and pave roads. Let us allow our children, like myself, who grew up riding a bike to school to ride the bike the same way on the shoulder of the road. They do not have to have curbs, gutters, and planters to ride around. We are rural. I think this plan – I do not like it if it means looking like Hardy Street and how Rice Street is going to look like years from now. I turn that multimodal plan into a fire starter when I make my hibachi. This does not impress me at all. I have my right to place my opinion. I hear that a lot of the public agrees with me, but it is not just that, it is that we are broke and where do we spend most wisely. I believe that if we are saying that we have bridges that are ready to fall, we have roads that are to the point where they are just going to get drastically worse, let us do that now. Let us not wait. Let us stop these bike paths, walking paths, curbs, planters, and what have you, until we have some money and then when we have the money, we have the fifty million dollars (\$50,000,000) surplus like we had five (5) years ago. Then let us put all the bells and whistles and try and see if the public likes it. I am sorry, but right now is not the time to increase taxes. Not for that kind of purpose. For the purpose of fixing roads and bridges in dire need that may fall, of course, but that is not what I am hearing. As we continue to go through the process, I continue to hear the same thing that we are looking at doing these complete streets and I do not know...I have a lot of fire starters. That is all I can say.

Council Chair Rapozo:

Any other discussion?

Councilmember Hooser: As I said before, I am not going to be supporting any tax on local residents, certainly not the General Excise Tax. We do have a measure already pending, and for the record, a vote against raising taxes is not a "litmus test" on whether or not you support public transportation, sidewalks, or curb and gutter for that matter. I support public transportation. Now is not the time to raise the GET. Thank you.

Council Chair Rapozo:

Any other discussion?

Councilmember Kaneshiro: If you are basing this whole thing on the multimodal land transportation plan then we should have had a presentation. The bus folks came up here I do not know how many times and all we have seen is that we are going to add thirty (30) positions and we are going to spend thirty million dollars (\$30,000,000) with GET money on the bus expansion and no plan whatsoever. The roads, I have seen a huge plan. They have given us a ten (10) year plan on all the roads, priorities, bridges, and new roads. Even if they have new roads in there, I said it myself, I said that my first priority is our existing infrastructure. Any new roads that they propose, we would look at it on an individual basis. If there is an expansion to the bus, we will look at it on an individual basis, but this here goes and we are throwing everything into this multimodal plan. The last I checked the buses drive on

these roads that need repairs. Where is that money going to come from? Again, we have a GET bill in place that addresses everything. The Administration has the flexibility to put the money, come every year budget time, they are going to be able to put the money in whatever their priority is. If their priority are these roads and a small bus shuttle expansion, they are going to have to sit up here and they are going to say, "This is why we need the bus expansion or this is why we are going to need the shuttle, and this is our justification for spending that money." That is where it should be. I do not think following a plan like this, which did not pass last week and throws all the GET into a Multimodal Land Transportation Plan—I just cannot agree with it.

Council Chair Rapozo: Thank you very much. With that, the motion on the floor is to approve. Roll call.

The motion for passage of Proposed Draft Bill (No. 2621) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 6, 2016, and referred to the Budget & Finance Committee was then put, and failed by the following vote:

FOR PASSAGE:	Yukimura	TOTAL – 1,
AGAINST PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 6,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: I will need a motion to receive.

Councilmember Kuali'i moved to receive Proposed Draft Bill (No. 2621) for the record, seconded by Councilmember Kagawa, and carried by the following vote:

FOR RECEIPT:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Rapozo	TOTAL – 6,
AGAINST RECEIPT:	Yukimura	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Motion carried.

Proposed Draft Bill (No. 2622) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX: Councilmember Kuali'i moved to receive Proposed Draft Bill (No. 2622) for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Anyone in the audience wishing to testify on the vehicle weight tax?

There being no objections, the rules were suspended to take public testimony.

SHAYLENE ISERI: Thank you Council Chair Rapozo and Vice Chair Kagawa for your articulate comments and cogent arguments in providing ample justification for receiving this Bill. The neglect of Councilmember Yukimura to provide full disclosure of the financial impacts of this astronomical increase, as

shown by Council Chair Rapozo, is shameful and the consequences may be very disastrous. It appears from the slide that there would be a proposed increase with the State and County registration fees and weight tax of the smallest vehicle a hundred and fourteen dollars (\$114) to two hundred and thirty-eight dollars (\$238). What needs to be a part of the full disclosure is the potential that this vehicle weight tax bill has of turning honest, hardworking owners of vehicles into criminals. If people cannot afford this tax, they will still have to drive to work and they will not be able to pay their registration, then they are stopped and given a ticket for expired registration, and then they have to go to court and these tickets result in over a hundred plus dollars in fees. If these fees are not paid, they go to collections and a license stopper is imposed meaning the driver would not be able to renew or get a valid license. If he cannot get a valid license because of this tax, a license violation is a petty misdemeanor, which entails thirty (30) days in jail and a fine of one thousand dollars (\$1,000). It is also subject to more additional fees. This is a realistic situation. I appear in court almost every day and there are hundreds of people in traffic court every month who are caught in this cycle. The bottom line is that people have to work to live and they are barely making it as it is. Please vote for the community and vote to receive this Bill. Thank you.

Council Chair Rapozo: Thank you very much. Anyone else wishing to testify on the vehicle weight tax?

Mr. Bernabe: Matt Bernabe. I oppose adding anymore tax to the vehicles. I would just like to say thank you to the previous speaker. That was a good...I was not even thinking of that aspect, to be honest with you. I own trucks and it just recently went up and I pay the bills, my wife does not pay it. This is kind of personal, please give me a break. Thank you.

Council Chair Rapozo: Anybody else wishing to testify?

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion?

Councilmember Kagawa: As we approach the budget in this coming session, I talked about one (1) of my proposals to increase property taxes for the visitor industry if we do not get the additional TAT that we are trying to get. Councilmember Yukimura said that she had heard that we are not getting any additional moneys that the task force has recommended. I do not doubt that that is true; however, I have not quit the fight. I continue to text all of the members of our Legislative team. I have not gotten the firm "no," yet, so I still keep that hope. I talked about a compromise on that figure, possibly half of it. Anything would be better than zero and whatever extra that we could bottle up, I would like it to be given to the County Engineer—we have a new sheriff in town. Let us give him some funds, like whatever we can get in additional or whatever we can scramble up in the budget and show us and prove to the people of Kaua'i that we can pave roads in dire need. That we can fix bridges that are ready to fall. That is the way we work together. We do what we have to do on our end, on the legislative side. If that means not taxing the people in certain areas and finding moneys in others, but still working together with the Department of Public Works and getting the job done. The people want to see is the roads improved and the bridges get fixed without imposing taxes. The last resort should be imposing any new taxes. That is my plan and I am going to try to carry it out. Thank you.

Councilmember Yukimura: The two hundred thirty-eight dollars (\$238) a year more is about how much families would have to pay if there is half percent (0.5%) excise tax. One way or the other, they are going to be hit with it, but these are people...it is going to hit people who are not even driving on the roads and causing the damage to the roads. That is the injustice of it. Twenty dollars (\$20) a month is what it is, two hundred thirty-eight dollars (\$238) over twelve (12) months and we are doing it because we did not want to do it gradually over time. It is our fault, basically, and now we have this bill that if we do not address, it will get bigger. The question is who pays? Is it all the poor people in this community or is it people who drive on the roads and cause the damage, especially the large trucks who cause damage? Their fuel bill is fifty percent (50%) less than it was two (2) years ago and now is the time they probably can afford it. Even individuals are paying less per year in fuel costs now and if we do not do it now while fuel prices are low, we are going to be in an even harder spot in the future, when people will need to ride the bus and we will not have the bus services expanded. At the peak of the high priced gas, people were standing at the bus stop, the door of the bus would open, and the driver would say, "You have to wait. We are too full and you have to wait for the next bus," which is an hour later. The community cannot function that way if people cannot get to work or school on time. If they cannot do the things that they need to do, we are talking about preparing for the future as well here.

Council Chair Rapozo: Any other discussion? It is really a moot issue because the votes are in, but I think the discussion, and I will bring it up because it was brought up earlier on the TAT; I do not think it is a dead issue. If the people of Kaua'i do not contact the State Legislature; if the people of Maui and Hawai'i island do not contact the Legislature and let them know then yes, I think you are correct, it is a dead issue. I sent a letter to our delegation, as well as the Senate and House leadership as it relates to the budget and finance, it went over January 28th basically saying, "You folks have a task force that made a recommendation. What is your position?" I asked for a two (2) week response time, that was on January 28th, and we did not get anything back. We sent a follow-up letter to our Kaua'i delegation, as well as the House and Senate leadership and we are awaiting a response. I kind of know what their response is going to be, but nonetheless I think it is important that the public is made aware that we have to go out and fight for it. Currently out of the TAT funds, thirty-one million dollars (\$31,000,000) go to the Convention Center, Turtle Bay, and the Special Land Development Fund, which only benefits O'ahu. It does not benefit Kaua'i, Maui, or Hawai'i island, but that is taken out of our portion. I think the public has to know that that if you take out of the portion of the State that is benefiting and we need to impress upon our legislature that the task force report, at least that, should be followed. That fight will continue between the Counties and the Mayor's and we will see where that goes. With that, the motion is to receive.

Councilmember Yukimura: I just want to say that if the legislature gives us what the task force recommended, it is about nine million dollars (\$9,000,000), I believe. So we are going to use all of the TAT moneys to fix our roads? What about the helicopter rides, and what about all these other things that we have to fund? I do not know that we can put all our costs, the cost as we are causing as a community, on the tourists, because we have their impacts that we have to offset. I am all for the TAT, but it is for offsetting those impacts and the impacts that they are causing to our budget.

Council Chair Rapozo: The TAT would free up General Fund money so that we can utilize...anyway...that is a whole different discussion. With that, roll call.

The motion to receive Proposed Draft Bill (No. 2622) for the record was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Rapozo	TOTAL – 6,
AGAINST RECEIPT:	Yukimura	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: With that, I know we are up for a caption break, but we need to go into Executive Session. Let us read us into Executive Session and then we will take that break.

EXECUTIVE SESSION:

ES-840 – Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2) & (4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council pertaining to the County Attorney and, if necessary, to consult with the County's legal counsel. This session pertains to the review of the County Attorney where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-841 – Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2) & (4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council pertaining to the County Clerk and, if necessary, to consult with the County's legal counsel. This session pertains to the evaluation of the County Clerk where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-842 – Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-843 – Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session to provide a briefing to Council regarding Council's release of County Attorney Opinions relating to Bill No. 2601, Removing the Sunset Restriction for Additional Dwelling Units on Other Than Residentially Zoned Lots Dated February 19, 2016 (Tracking No. 16-0108) and February 24, 2016 (Tracking No. 16-0138), and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kaneshiro moved to convene in Executive Session for ES-840, ES-841, ES-842, and ES-843 seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to convene in Executive Session for ES-840, ES-841, ES-842, and ES-843 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: With that, we are going to take the two (2) items that require us to vote on. I would say probably fifteen (15) to twenty (20) minutes.

There being no objections, the Council recessed at 5:44 p.m., to convene in Executive Session.

The meeting was called back to order at 6:07 p.m., and proceeded as follows:

(Councilmember Kagawa was noted as excused.)

C 2016-56 Communication (02/23/2016) from the County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters: Councilmember Kuali'i moved to approve C 2016-56, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any further discussion? Seeing none.

The motion to approve C 2016-56 was then put, and carried by a vote of 6:0:1 *(Councilmember Kagawa was excused).*

C 2016-58 Communication (03/02/2016) from Councilmember Chock, requesting Council consideration, for the public release of the following County Attorney opinions relating to Bill No. 2601, removing the sunset restriction for additional dwelling units on other than residentially zoned lots:

- County Attorney Opinion dated February 19, 2016
(Tracking No. 16-0108)
- County Attorney Opinion dated February 24, 2016
(Tracking No. 16-0138)

Councilmember Kaneshiro moved to receive C 2016-58 for the record, seconded by Councilmember Kuali'i.

Council Chair Rapozo: Any discussion?

Councilmember Yukimura: This is a difficult choice, but based on our discussions and on the advice of the County Attorney, I will be voting for receipt.

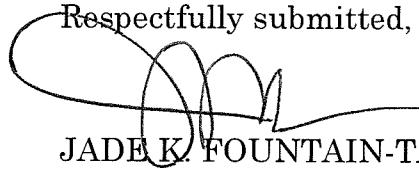
Council Chair Rapozo: Thank you. Any further discussion?

The motion to receive C 2016-58 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 6:09 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc